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## Information and Notices

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2013-2014 SESSION

Sittings of 10 to 13 June 2013

*The Minutes of this session have been published in OJ C 253 E, 3.9.2013.*

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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.



**EUROPEAN PARLIAMENT**

2013-2014 SESSION

Sittings of 10 to 13 June 2013

*The Minutes of this session have been published in OJ C 253 E, 3.9.2013.*

TEXTS ADOPTED

Tuesday 11 June 2013

I

*(Resolutions, recommendations and opinions)*

RESOLUTIONS

EUROPEAN PARLIAMENT

P7\_TA(2013)0239

**A new agenda for European consumer policy**

**European Parliament resolution of 11 June 2013 on a new agenda for European Consumer Policy (2012/2133(INI))**

(2016/C 065/01)

*The European Parliament,*

- having regard to the Charter of Fundamental Rights of the European Union, as incorporated into the Treaties by Article 6 of the Treaty on European Union (TEU), and in particular Article 38 of the Charter, which lays down that Union policies shall ensure a high level of consumer protection,
- having regard to Article 26 of the Treaty on the Functioning of the European Union (TFEU), which stipulates that ‘the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties’,
- having regard to Article 3(3) TEU, which commits the Union to work for ‘a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment’,
- having regard to Article 9 TFEU, which establishes that ‘in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health’,
- having regard to Article 11 TFEU, which stipulates that ‘environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development’,
- having regard to Article 12 TFEU, which stipulates that ‘consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities’,
- having regard to Articles 14, 114(3) and 169 TFEU and to Protocol 26 thereto, on services of general (economic) interest,
- having regard to Article 169(1) TFEU, which stipulates that ‘in order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests’,

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- having regard to Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European audiovisual and information services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity <sup>(1)</sup>,
- having regard to the report on the application of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (COM(2009)0336),
- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') <sup>(2)</sup>,
- having regard to Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013) <sup>(3)</sup>,
- having regard to Recommendation 2006/952/EC of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry <sup>(4)</sup>,
- having regard to Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities <sup>(5)</sup>,
- having regard to the communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee entitled 'EU Consumer Policy Strategy 2007-2013 — Empowering consumers, enhancing their welfare, effectively protecting them' and the resolution of Parliament of 20 May 2008 on EU consumer policy strategy 2007-2013 <sup>(6)</sup>,
- having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products <sup>(7)</sup>, which aims to create a general framework of rules and principles for accreditation and market surveillance,
- having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (the Toy Safety Directive) <sup>(8)</sup>,
- having regard to the Commission Recommendation of 29 June 2009 on measures to improve the functioning of the single market, and to the Commission Recommendation of 12 July 2004 on the transposition into national law of Directives affecting the internal market <sup>(9)</sup>,
- having regard to the Commission communication of 2 July 2009 on the enforcement of the consumer acquis (COM(2009)0330) and to the Commission report of 2 July 2009 on the application of Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (COM(2009)0336),
- having regard to the communication from the Commission of 7 July 2009 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a harmonised methodology for classifying and reporting consumer complaints and enquiries (COM(2009)0346) and the accompanying draft Commission recommendation (SEC(2009)0949),

<sup>(1)</sup> OJ L 270, 7.10.1998, p. 48.

<sup>(2)</sup> OJ L 149, 11.6.2005, p. 22.

<sup>(3)</sup> OJ L 404, 30.12.2006, p. 39.

<sup>(4)</sup> OJ L 378, 27.12.2006, p. 72.

<sup>(5)</sup> OJ L 332, 18.12.2007, p. 27.

<sup>(6)</sup> OJ C 279 E, 19.11.2009, p. 17.

<sup>(7)</sup> OJ L 218, 13.8.2008, p. 30.

<sup>(8)</sup> OJ L 170, 30.6.2009, p. 1.

<sup>(9)</sup> OJ L 98, 16.4.2005, p. 47.

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- having regard to the communication from the Commission to the European Council entitled ‘Europe 2020 — A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to its resolution of 9 March 2010 on consumer protection <sup>(1)</sup>,
- having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive <sup>(2)</sup>),
- having regard to the report by Professor Mario Monti to the Commission of 9 May 2010 on the revitalisation of the internal market entitled ‘A new strategy for the single market’,
- having regard to its resolution of 20 May 2010 on delivering a single market to consumers and citizens <sup>(3)</sup>,
- having regard to its resolution of 21 September 2010 on completing the internal market for e-commerce <sup>(4)</sup>,
- having regard to its resolution of 20 October 2010 on the financial, economic and social crisis: recommendations concerning measures and initiatives to be taken (mid-term report) <sup>(5)</sup>,
- having regard to the Commission Staff Working Document of 22 October 2010 entitled ‘Making markets work for consumers’ (the fourth edition of the Consumer Markets Scoreboard) (SEC(2010)1257),
- having regard to the report of 27 October 2010 entitled ‘EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights’ (COM(2010)0603),
- having regard to the Commission Staff Working Document of 4 March 2011 entitled ‘Consumers at home in the single market’ (the fifth edition of the Consumer Markets Scoreboard) (SEC(2011)0299),
- having regard to the European Consumer Centres Network 2010 Annual Report, published by the Office for Official Publications of the European Union in 2011,
- having regard to its position of 23 June 2011 on the proposal for a directive of the European Parliament and of the Council on consumer rights <sup>(6)</sup>,
- having regard to its resolution of 5 July 2011 on a more efficient and fairer retail market <sup>(7)</sup>,
- having regard to the Commission Staff Working Paper of October 2011 entitled ‘Making markets work for consumers’ (the sixth edition of the Consumer Markets Scoreboard) (SEC(2011)1271),
- having regard to the ‘Kraków declaration’ of the first Single Market Forum, held in Kraków (Poland) on 3 and 4 October 2011,
- having regard to the proposal of 19 October 2011 for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (COM(2011)0665),
- having regard to its resolutions of 23 October 2012 on passenger rights in all transport modes <sup>(8)</sup> and 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 <sup>(9)</sup>,
- having regard to its resolution of 29 March 2012 on the functioning and application of established rights of people travelling by air <sup>(10)</sup>,

<sup>(1)</sup> OJ C 349 E, 22.12.2010, p. 1.

<sup>(2)</sup> OJ L 95, 15.4.2010, p. 1.

<sup>(3)</sup> OJ C 161 E, 31.5.2011, p. 84.

<sup>(4)</sup> OJ C 50 E, 21.2.2012, p. 1.

<sup>(5)</sup> OJ C 70 E, 8.3.2012, p. 19.

<sup>(6)</sup> OJ C 390 E, 18.12.2012, p. 145.

<sup>(7)</sup> OJ C 33 E, 5.2.2013, p. 9.

<sup>(8)</sup> Texts adopted, P7\_TA(2012)0371.

<sup>(9)</sup> OJ C 131 E, 8.5.2013, p. 9.

<sup>(10)</sup> Texts adopted, P7\_TA(2012)0099.

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- 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 <sup>(1)</sup>,
- having regard to the Proposal for a Regulation of the European Parliament and of the Council of 9 November 2011 on a consumer programme 2014-2020 (COM(2011)0707) and related documents (SEC(2011)1320 and SEC(2011)1321),
- having regard to its resolution of 15 November 2011 on a new strategy for consumer policy <sup>(2)</sup>,
- having regard to the communication from the Commission of 19 December 2011 to the European Parliament and the Council entitled 'A European vision for Passengers: Communication on Passenger Rights in all transport mode' (COM(2011)0898),
- having regard to the Commission communication of 11 January 2012 entitled 'A coherent framework for building trust in the Digital Single Market for e-commerce and online services' (COM(2011)0942),
- having regard to the proposal of 25 January 2012 for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (COM(2012)0011),
- having regard to its resolution of 2 February 2012, "Towards a coherent European Approach to Collective Redress" <sup>(3)</sup>,
- having regard to the Commission communication of 20 April 2012 entitled 'A strategy for e-procurement' (COM(2012)0179),
- having regard to the Commission communication of 2 May 2012 entitled 'European Strategy for a Better Internet for Children' (COM(2012)0196),
- having regard to its resolution of 22 May 2012 on a strategy for strengthening the rights of vulnerable consumers <sup>(4)</sup>,
- having regard to its resolution of 22 May 2012 on the Internal Market Scoreboard <sup>(5)</sup>,
- having regard to the communication from the Commission of 22 May 2012 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'A European Consumer Agenda — Boosting confidence and growth' (COM(2012)0225),
- having regard to the Commission Staff Working Document of 29 May 2012 entitled 'Consumer Conditions Scoreboard — Consumers at home in the single market' (the Seventh edition of the Consumer Markets Scoreboard (SWD(2012)0165),
- having regard to the Commission staff working document of 7 December 2012 entitled 'making markets work for consumers', the Eighth edition of the Consumer Markets Scoreboard (SWD(2012)0432),
- having regard to the Proposal for a Regulation of the European Parliament and of the Council of 4 June 2012 on electronic identification and trust services for electronic transactions in the internal market (COM(2012)0238),
- having regard to the Commission staff working document of 19 July 2012 on knowledge-enhancing aspects of consumer empowerment 2012 — 2014 (SWD (2012)0235),
- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 3 October 2012 entitled 'Single Market Act II — Together for new growth' (COM(2012)0573),
- having regard to its resolution of 11 December 2012 on completing the digital single market <sup>(6)</sup>,

<sup>(1)</sup> OJ L 304, 22.11.2011, p. 18.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0491.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0021

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0209.

<sup>(5)</sup> Texts adopted, P7\_TA(2012)0211.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0468.

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- having regard to the opinion of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'A European Consumer Agenda — Boosting confidence and growth' (COM(2012) 0225),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A7-0163/2013),
- A. whereas the promotion and protection of consumers and their rights are core Union values;
- B. whereas consumers play a key role in the economy since consumption is one of the main drivers of growth in the Union;
- C. whereas EU citizens have a crucial role to play as consumers in achieving the Europe 2020 goals of smart, inclusive and sustainable growth, and the role of the consumer should accordingly be recognised as part of the EU's economic policy;
- D. whereas the Union has the objectives of achieving a high level of consumer awareness, empowerment and protection as well as striking the right balance as regards the competitiveness of the Union's businesses and economies, notably by protecting consumers' health and safety and economic interests, as well as promoting their rights to information, education and organisation;
- E. whereas consumers do not form one single homogeneous group, and the resultant variables need to be addressed in the European Consumer Agenda, as there are considerable differences among consumers in terms of consumer skills, awareness of legislation, assertiveness and willingness to seek redress; whereas non-discrimination and accessibility need to be taken into consideration when implementing the European Consumer Agenda;
- F. whereas it is necessary to boost consumers' confidence, trust in the market and knowledge of their rights, with a special focus on vulnerable consumer groups such as children, older people and other consumers in situations of vulnerability; whereas in this respect it is essential to offer consumers in the Union better protection vis-à-vis products and services which may endanger their health or safety;
- G. whereas 'pertinent and adequate information' means information that is easily accessible, transparent, not misleading and comparable;
- H. whereas achieving a properly functioning internal market is consistent with the Lisbon Strategy goals of boosting growth and employment in order to serve the EU's 500 million consumers;
- I. whereas e-commerce is extremely useful for all consumers, given its huge cross-border potential, which allows consumers to benefit from the single market to the fullest; whereas e-commerce is also, as a means of inclusion, extremely useful for consumers with disabilities or reduced mobility and those living in rural areas with geographical handicaps;
- J. whereas uncertainty over consumers' rights in regard to cross-border purchases is undermining the benefits of market integration;
- K. whereas the development of e-commerce is slowed down by the still existing digital divide among Union citizens, particularly in the case of older people; whereas most public and private websites are still inaccessible for persons with disabilities or lower digital literacy;
- L. whereas fragmentation of the digital single market jeopardises the rights of consumers; whereas some websites are not suitable for cross-border shoppers and consumers; whereas the Directive on Alternative Dispute Resolution (ADR) and the Regulation on Online Dispute Resolution (ODR) will soon enter into force and provide useful tools for consumers, in particular for cross-border transactions; whereas appropriate mechanisms for bringing effective collective actions merit further consideration;

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- M. whereas the recent financial crisis has underlined the strong need for consumers to be protected and informed in the area of financial and banking services, since such products could have a direct impact on their global welfare, as well as the need for more impartial advice for consumers;
- N. whereas the European Consumer Agenda sets out Union consumer policy mainstreaming measures designed to achieve the Europe 2020 Strategy objectives;
- O. whereas the current economic crisis also seriously affects the purchasing power of consumers in the single market, in particular that of consumers in vulnerable situations resulting from their social or financial circumstances; whereas, consequently, consumer's rights should be recognised to the necessary degree;
- P. whereas the single market provides access for Union consumers to a broad range of high- quality products and services sold at competitive prices; whereas the production of environment-friendly goods and the provision of environment-friendly services encourages responsible consumption, thus stimulating sustainable development, employment and economic growth; whereas the Commission should address and study new forms of consumption such as collaborative consumption;
- Q. whereas necessary adjustments will have to be introduced as technical and scientific knowledge advances, with regard to both food safety and safety of other basic consumer products;
- R. whereas there is a need to strengthen the role of consumer associations in all areas by adopting the necessary legal and economic measures, and to support them with capacity- building; whereas consumer associations play a unique role in guaranteeing confidence in and the development of the single market;
- S. whereas passengers are not sufficiently informed about their rights and the quality of service they are entitled to expect, and legal claims by passengers are often difficult to lodge and enforce; whereas guidelines are necessary to facilitate and improve the application of the different passenger rights regulations across all transport modes; whereas, in its upcoming revision of the Package Travel Directive, the Commission needs to fully examine the impact of e-commerce and digital markets on consumer behaviour within the European tourism industry;
- T. whereas the existing EU legislation offers basic protection of passengers in all transport modes, but for some of these passenger rights application, monitoring and enforcement are not properly ensured in all modes and in all parts of the Union, a fact which impedes free movement within the single market, since it affects the confidence of citizens when travelling and undermines fair competition among carriers;
- U. whereas passengers need to be able to clearly differentiate between non-optional operational costs included in fares and bookable optional items, in the context of computerised reservation systems governed by Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community (Recast) <sup>(1)</sup>, since this will increase price transparency for consumers booking tickets on the internet;
- V. whereas the four main objectives set out in the Commission's communication on a European Consumer Agenda are: 1) reinforcing consumer safety; 2) enhancing knowledge; 3) stepping up enforcement and securing redress; and 4) aligning rights and key policies to changes in society and the economy; whereas the European Parliament and the national parliaments should facilitate the swift and effective transposition of consumer protection legislation;

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<sup>(1)</sup> OJ L 293, 31.10.2008, p. 3.

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- W. whereas the Union has set targets for reducing CO<sub>2</sub> emissions with the aim of achieving the 2020 objectives and ensuring that the bulk of energy supply is obtained from renewable energies by 2050;
- X. whereas the proposals that are drawn up need to be consistent with the four major objectives set;

***Strengthening awareness, enhancing knowledge, safety and consumer rights***

1. Welcomes the holistic approach of the European Consumer Agenda, and in particular the fact that it covers almost all important policy areas for consumers and thus sends out a strong signal on boosting the role and importance of consumers' safety and rights in the single market and on strengthening consumer associations; stresses, however, that this must also be reflected in legislative and other proposals by the Commission;
2. Welcomes the Commission's willingness to cooperate with traders and intermediaries to promote corporate social responsibility initiatives which promote consumer safety; believes that the Commission should be in constant dialogue with the private sector so that initiatives are accepted and applied in reality;
3. Calls for consumers to be able to exercise their rights easily and effectively in basic areas including food, health, energy, financial and digital services, access to broadband, data protection, transport, and telecommunications;
4. Calls on the Commission to closely cooperate with national governments when introducing the Union-wide campaign to increase knowledge about consumer rights and interests; emphasises that it is important for the success of this campaign that not only the public sector and consumer protection organisations are included in the process, but also the private sector;
5. Believes that it is necessary to promote e-platforms, such as the European Enterprise Support Network and the website Your Europe, which contribute to the development of the single European market and provide important information for consumers and small and medium-sized enterprises;
6. Calls on the Commission to present a proposal on how to improve citizens' knowledge of the financial sector, so that people have the necessary information before deciding to obtain a loan; believes that special attention should be paid to the younger generation and to educating society concerning short-term credit loans;
7. Stresses that educating consumers reduces their risks vis-à-vis dangerous or counterfeit products, speculative financial products and misleading advertising; takes the view that education (including financial education) and empowerment of consumers need to be lifelong, and should begin at school; emphasises the need to avoid information overload, and stresses instead the need to reduce knowledge deficits and to improve consumer awareness through reliable, clear, comparable and targeted information;
8. Stresses that for consumers to fully enjoy their rights, the role and education of enterprises must not be forgotten; believes that a good knowledge of consumer rights within enterprises is essential with a view to achieving full implementation of the existing consumer protection legislation; calls on the Commission and the Member States to take the necessary measures to that end, focusing on small and medium-sized enterprises;
9. Emphasises that, according to the findings of various surveys, consumers are concerned on a long-term basis about possible differences in the quality of products with the same brand and packaging which are distributed in the single market; considers that consumers in different Member States do not enjoy access to the same level of quality when buying products with the same brand and packaging in the single market; stresses that discrimination between consumers in any form is unacceptable;
10. Calls on the Commission to carry out a meaningful investigation into this issue that would make it possible to evaluate whether there is a need for adjustment of existing Union legislation; calls on the Commission to inform the European Parliament and consumers on the outcome of the investigation;



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11. Calls on the Commission to establish updated and standard rules that guarantee the safety and authenticity of products; hopes, at all events, that the proposal amending Directive 2001/95/EC on general product safety will guarantee a high level of safety of consumer products;

12. Welcomes the Commission's proposal to introduce a legal framework for product safety; stresses, in this context, the importance of effective market surveillance as there are still unsafe products, including CE-labelled products, on the single European market;

13. Calls for consumers to be able to benefit safely from advances in science and technology and to have access to information, impartial advice and the tools required for fair and effective redress;

14. Calls on the Member States and the Commission to promote initiatives which aim to translate the results of scientific advances, technological developments and other innovations into benefits for consumers, with due regard to consumer product safety legislation;

15. Calls for adequate consumer protection and product safety in the markets for consumer goods produced using nanotechnology or genetically modified organisms;

16. Stresses on the need to guarantee the independence and transparency of scientific expertise and regulatory opinion, in particular in the field of health, environment and food policies, in order to ensure the highest level of health protection and confidence among consumers;

17. Highlights the need for better protection of the rights of vulnerable consumer groups such as children and older people or other consumers in situations of vulnerability, particularly with regard to transport, financial services, energy and ICT; stresses the need for measures at both Union and national level to provide adequate guarantees for the protection of those consumers;

18. Emphasises the need for the Commission and the Member States to promote responsible and sustainable consumption, in line with the objectives of the Europe 2020 strategy, and to make markets fully accessible to consumers from the perspective of a highly competitive social market economy, in a Union based on solidarity; considers it necessary to tackle food waste, make the lifespan of consumer products more durable, promote recycling and consumption of second-hand goods, and further improve the energy efficiency of products available in the single market;

### ***Improving implementation, stepping up enforcement and securing redress***

19. Insists that the Commission should continue to attentively monitor how legislation that supports the development of the single market is applied; calls on the Commission to take the necessary legal action against Member States infringing or failing to implement or enforce single market legislation, in line with the Treaty of the Functioning of the European Union;

20. Welcomes further legislative initiatives aimed at creating a fully integrated single market in order to increase competition and efficiency and provide greater choice for consumers in the Union;

21. Calls in particular on the Commission and the Member States to ensure the timely and consistent implementation of the Union consumer acquis, and in particular the Consumer Rights Directive<sup>(1)</sup>, the Directive on Unfair Commercial Practices<sup>(2)</sup>, and the Directive on Misleading and Comparative Advertising<sup>(3)</sup>; calls, furthermore, on the Commission and the Member States to carry out monitoring on the effectiveness of the consumer acquis; stresses the evidence suggesting that citizens are still not aware of their rights in the single market, and accordingly calls on the Commission and the Member States to further promote the availability of clear and comprehensive information for consumers as part of the implementation process, as well as information on the available consumer redress tools;

<sup>(1)</sup> OJ L 304, 22.11.2011, p. 64

<sup>(2)</sup> OJ L 149, 11.6.2005, p. 22

<sup>(3)</sup> OJ L 376, 27.12.2006, p. 21

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22. Calls on the Commission to take more active steps to evaluate the degree to which citizens in the Member States have access to a bank account; invites the Commission to report on how this problem is being addressed and to submit a report to Parliament on the matter by the end of the first quarter of 2014;

23. Recommends that better use be made of the available information on consumer behaviour, and considers in particular that there is scope for using the results of the Consumer Scoreboard more effectively; suggests, accordingly, that the Joint Research Centre (JRC) should carry out analysis and monitoring work, in the form of a funded research project with a view to identifying the priority areas for citizens when it comes to enhancing their consumer rights in the single market, and accordingly adapting contents and format, as well as the work of the organisations disseminating information to consumers;

24. Points out that EU policies need to promote cooperation between consumer associations and public institutions in all fields, thus securing ease of access to the financial resources required, as well as to foster exchanges of best practice and know-how among associations; believes that a register of European associations should be set up to assist the formation of such associations;

### ***Aligning rights and key policies to economic and societal change***

25. Considers that the Commission should focus not only on the purchase of digital content in the digital environment, but also on how to promote the sale of goods and services in the digital environment and boost consumer confidence, so that consumers know how to defend their rights and can undertake dispute resolution should they have purchased a low-quality product or service;

26. Calls on the Commission to pay particular attention to consumer protection in the field of short-term loans, as it is those who are most vulnerable in times of crisis who use those financial products without being fully aware of the obligations and risks they incur as credit takers;

27. Recalls that adequate and pertinent information to consumers must go along with empowerment measures in order to allow them to fully benefit from the opportunities existing in the internal market;

28. Calls on the Commission to cooperate with the European Parliament and the national authorities in order to improve the information available to consumers on how to better manage household energy consumption;

29. Believes that it is necessary to realise the cross-border energy projects included in the Connecting Europe Facility (CEF) programme, since this will promote competition among suppliers of electricity and gas and will boost the autonomy of the energy sector in the Member States;

30. Calls for Union competition policy to be strengthened and for the promotion of consumer rights to be treated as centre-stage in this process; considers this realignment to be of particular importance for the development of a robust digital single market; underlines, in this regard, the important role of price comparison websites, and stresses the need to ensure their independence;

31. Calls on the Commission and the Member States to approve the resources required for the effective implementation of the Agenda, with regard furthermore to the Multiannual Financial Framework for 2014-2020, and to conduct systematic impact assessments;

### ***E-commerce***

32. Stresses that the increasingly rapid development of e-commerce is of major importance as far as consumers are concerned, offering a wider choice, especially to those living in less accessible, remote or outlying areas, as well as those with reduced mobility, who would otherwise not have access to a wide choice of goods;

33. Calls on the Commission to take measures to combat the unequal treatment of consumers in the single market arising from current distance-selling restrictions applied by companies involved in cross-border distance selling;

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34. Stresses that not all consumers have the opportunity to use the internet or the necessary skills, and that consumers should therefore be offered services through multiple channels;
35. Stresses that consumer confidence is essential for both domestic and cross-border e-commerce; emphasises the need to ensure the quality, safety, traceability and authenticity of products, avoid criminal or unfair practices, and comply with the rules on personal data protection, guaranteeing that, where appropriate, informed and explicit consent for the use of personal data has been given by the consumer;
36. Emphasises that the protection of personal data is an essential prerequisite for the protection of consumers and for the functioning and growth of the digital single market;
37. Stresses that consumers expect fast, reliable and competitive delivery services for e-commerce, and that well-functioning delivery services are necessary in order to ensure consumer trust;

#### ***Financial services, investment products and the economic crisis***

38. Welcomes the measures envisaged by the Commission in the area of financial services, and underlines the need for a comprehensive legal framework ensuring independent advice for consumers, especially in the field of financial services; stresses that market information must be reliable, clear and comparable, and accessible electronically and other forms; emphasises the need to take out legal action over unfair commercial practices or contract terms; highlights the need to protect consumers who are 'trapped' by a financial product;
39. Takes note of the new proposal (COM(2013)0130, 13 March 2013) for a Regulation amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air; calls for the list of passenger rights common to all transport modes to be circulated widely, in a concise form and in all official Union languages;
40. Emphasises the need to facilitate the right of access to a basic payment account for all consumers and to provide them with clear and relevant information about investment products, as is envisaged inter alia in the proposal for a regulation on key information documents for investment products (COM(2012)0352); stresses that strict rules are required to regulate the financial markets; emphasises that the present economic and financial crisis is weakening the position of a large number of consumers, making them more and more vulnerable, and that rising job insecurity and unemployment rates and loss of purchasing power are widening inequalities; calls on the Commission to take account of these new developments when drafting policies;

#### ***Cooperation among European and national authorities and consumer organisations***

41. Highlights the need for close cooperation between European, national and local authorities and consumer associations in order to establish consultation mechanisms and implement the measures planned in the Agenda;
42. Asks the Commission to make the RAPEX (Rapid Alert System for Non-Food Products) reporting system more transparent and effective; emphasises the need to develop the European Consumer Centres (ECC) and Consumer Protection Cooperation (CPC) networks; takes the view that the Commission should consider setting up a RAPEX-type system for services;

#### ***Dispute resolution and redress***

43. Emphasises that redress mechanisms such as Alternative Dispute Resolution (ADR) or Online Dispute Resolution (ODR) must be fast, accessible and effective; stresses that effective access to justice in cross-border disputes should not be hampered by the difficulties arising from the cross-border nature of a dispute, from lack of resources or from lack of information on the accessibility of legal aid; calls, therefore, for better implementation of Council Directive 2003/8/EC of 27 January 2003 and, if necessary, its revision, in order to address its shortcomings;

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44. Stresses that ADR and ODR mechanisms cannot substitute a collective redress mechanism; calls, therefore, on the Commission to explore measures that would lead to the creation of a Union-wide coherent collective redress mechanism in the field of consumer protection which would be applicable to cross-border cases; stresses that uncoordinated initiatives within the Union could lead to fragmentation; emphasises that, in order to ensure the efficiency of collective redress and avoid potential abuses, the Union approach to collective redress should include representative action only in the case of entities duly recognised at national level (public authorities such as ombudsmen, or consumer organisations); insists on the need to build the Union approach to collective redress on the opt-in principle;

45. Emphasises the need to ensure the accessibility of goods and services in the Union, covering areas such as the built environment, transport and ICT; urges the Commission to propose a 'Union Accessibility Act' that will be far-reaching in its ambitions;

46. Draws attention to the fact that the forthcoming Multiannual Financial Framework for 2014-2020 will have to allow the European Consumer Agenda to benefit from sufficiently ambitious funding;

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

P7\_TA(2013)0240

## **Legal aid in cross-border civil and commercial disputes**

### **European Parliament resolution of 11 June 2013 on improving access to justice: legal aid in cross-border civil and commercial disputes (2012/2101(INI))**

(2016/C 065/02)

*The European Parliament,*

- having regard to Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes <sup>(1)</sup>,
- having regard to the Report of 23 February 2012 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes (COM(2012)0071),
- having regard to Article 47 of the Charter of Fundamental Rights of the European Union,
- having regard to the Hague Convention of 25 October 1980 on International Access to Justice,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0161/2013),

A. whereas Article 47(3) of the Charter of Fundamental Rights of the European Union provides that '[l]egal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice';

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<sup>(1)</sup> OJ L 26, 31.1.2003, p. 41.

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- B. whereas Council Directive 2003/8/EC contains provisions ensuring that citizens involved in cross-border disputes have access to justice;
- C. whereas the main provision of that directive ensures that legal aid may not be refused on the sole grounds that a dispute is cross-border in nature, and each Member State thus keeps its own legal aid system, but must open it to persons from other Member States;
- D. whereas the directive goes on to lay down conditions for the granting of cross-border legal aid, relating in particular to financial resources, the substance of the dispute, and the cross-border nature of the dispute;
- E. whereas legal aid must be granted only to persons whose financial resources do not allow them to access justice without such aid;
- F. whereas those resources are assessed on the basis of the guidelines in force in the Member State in which the court is sitting, and fixed thresholds are in place in several Member States;
- G. whereas those thresholds differ considerably from Member State to Member State, and a citizen who is considered in need of legal aid in one Member State may not be considered in need of legal aid in another, and whereas Article 5(4) of the directive goes some way towards recognising this problem;
- H. whereas, in order to address these discrepancies, it should be considered whether a citizen should also be allowed to apply for legal aid in his or her Member State of residence and have the application decided upon by the authorities of that Member State;
- I. whereas, in order to facilitate matters both for the citizen and for the authorities which apply the directive, citizens should be given the choice, in the case of cross-border requests for legal aid, to have the request decided upon either in their Member State of residence or in the Member State in which the court is sitting or the decision is to be enforced;
- J. whereas, if such a choice were given, Member State authorities would be able to apply their own criteria, rather than having to forward the request or refer to the conditions and guidelines of other Member States;
- K. whereas citizens whose entitlement to legal aid has been recognised in their Member State of residence could be provided with a certificate to that effect, which would be honoured by the authorities of the Member State in which the court was sitting or the decision was to be enforced;
- L. whereas cross-border legal aid under the directive also covers the additional costs inherent in cross-border cases, such as interpretation, translation and travel costs;
- M. whereas information on legal aid for citizens must be provided in one of the EU's languages so as to ensure that they have been informed of their legal aid options in a language they understand;
- N. whereas the Hague Convention of 25 October 1980 on International Access to Justice contains similar provisions at international level, but is only applied by 17 of the 27 Member States;
- O. whereas the remaining Member States should therefore be encouraged to sign or ratify the Convention;

#### ***Application of Directive 2003/8/EC***

1. Congratulates the Commission on the submission of its report on the application of Directive 2003/8/EC;
2. Regrets that the Commission does not specifically address the European procedures to which the Legal Aid Directive is also applicable, such as the European Small Claims Procedure, despite the fact that application of the directive to the above-mentioned procedure during the period from 1 January 2009 to 31 December 2010 could certainly have been examined;

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3. Notes with satisfaction that all Member States have transposed the directive; notes, however, that the interpretation of the scope of the directive on certain points differs among the Member States;
4. Points out that, in a further report, the number and subject areas of cases should be included, broken down by country, in order to obtain a more detailed and more accurate overview of how the instrument is being used;

#### ***Increasing awareness of the right to cross-border legal aid***

5. Regrets the fact that relatively few citizens and practitioners seem to be aware of the rights conferred by the directive;
6. Calls on the Commission and the Member States to take measures to increase awareness of the right to cross-border legal aid in civil and commercial matters, and thus to enhance citizens' free movement;
7. Recognises the good work done by the EU's e-Justice Portal, the EU Judicial Network as well as the e-CODEX (e-Justice Communication via Online Data Exchange), in particular with the availability on the EU e-Justice Portal of the legal aid forms provided for in Council Directive 2003/8/EC; calls, however, for increased clarity and easy access to these legal aid forms and national legal aid forms on all these platforms, including clear and practical information on how best to apply for legal aid in the different Member States in cross-border civil and commercial disputes;
8. Calls, furthermore, on the Commission and the Member States to launch an effective information campaign in order to reach a large number of potential beneficiaries as well as legal practitioners;
9. Considers also that other European procedures, such as the European Small Claims Procedure and the European Order for Payment Procedure, are not well known and will not achieve a high profile if the current information policy continues to be pursued;
10. Points out that new technologies and communication tools could be used to enable access to information on legal aid; recommends, therefore, that the Commission and Member States use a wide range of communication channels, including internet-based campaigns and interactive platforms such as the e-Justice Portal, as cost-effective ways to reach citizens;
11. Points out that, in order to ensure the continuity of initiated proceedings, the temporary and permanent storability of the forms necessary for legal aid need to be improved, as do the forms for other procedures, in particular the Small Claims and European Payment procedures, ensuring, among other things, that they are equally visible in all languages, including on the website of the European Judicial Atlas in Civil Matters and on the European e-Justice Portal; calls on the Commission to take immediate measures to that effect;

#### ***Ensuring competent legal support***

12. Considers that databases of legal professionals with the sufficient linguistic and comparative law skills to act in cross-border legal aid cases should be established, thus ensuring that legal professionals are appointed who are able to act in such cases; whilst recognising existing cross-border legal databases such as the Find-a-Lawyer platform as examples of good practice in this field, calls for such tools to be developed further with a view to being integrated into a database of legal professionals on the e-Justice Portal;
13. Suggests that special training schemes to provide legal practitioners with cross-border competency would be desirable, with a focus on language courses and comparative law; urges the Commission to cooperate with the Member States in supporting specific training for lawyers providing legal aid;
14. Recognises that legal support and training have cost implications for Member States and that, in the current economic climate, funding for these may be limited in many Member States; calls, therefore, on the Commission to provide funding where possible for Member States, to ensure consistent, high-level legal training on cross-border legal aid in civil and commercial matters;

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***Facilitating the operation of the directive for citizens***

15. Stresses the importance of ensuring that application procedures are simple, so that citizens are always able to apply for legal aid without the help of a legal practitioner; advocates automatically informing citizens embarking on such procedures of the existence of the e-Justice Portal, with a view to ensuring that they are better informed;
16. Considers it advisable to designate, in line with existing national legal aid systems, a single authority with responsibility for cross-border legal aid and with a central office in each Member State for receiving and transmitting legal aid applications;
17. Takes the view that in order to establish the economic criteria for granting legal aid, more consideration needs to be given to the differing cost of living in the various Member States, and that the way in which these differences should be taken into account needs to be specified;
18. Suggests that applicants should be given the choice of applying for legal aid in their Member State of residence or in the Member State where the Court is sitting or the decision is being enforced; notes that, under such arrangements, the authorities of each Member State would then be able to apply their own criteria when deciding on the application;
19. Proposes that any decision of the authorities of the Member State of residence granting legal aid, as evidenced by a common certificate, should also have effect in the Member State where the Court is sitting or the decision is being enforced;
20. Recommends that the costs covered by legal aid should also include the costs of, and associated with, any obligatory appearance before a judge or other authority assessing the application;
21. Calls on the Commission and the Member States to pay particular attention to the most vulnerable groups in order to ensure that their needs are taken into account;
22. Invites the Commission to submit a proposal for amendment of the directive along the above lines, with a view to establishing common higher standards for cross-border legal aid;

***Encouraging alternative forms of legal support***

23. Encourages the Member States to establish more efficient systems for cooperation between public bodies and non-governmental organisations so as to make legal aid and legal advice more accessible for citizens;
24. Calls for national courts to be connected by an early-warning system so that, when an application for assistance is made in one Member State, the other Member States are made aware of it;
25. Suggests also greater cooperation between the Commission, Member States and professional legal bodies and organisations such as European and national bars and law societies;
26. Welcomes the numerous initiatives that have proved to be good examples of best practice in the field of free legal advice, including *pro bono* agencies and legal clinics;
27. Encourages the Member States to ensure the availability of, and facilitate access to, pre-litigation legal aid, including advice on the use of alternative methods of dispute resolution, which often prove to be more cost-effective and less time-consuming than litigation;

***International aspects of legal aid***

28. Calls on those Member States that have not yet signed and/or ratified the Hague Convention of 25 October 1980 on International Access to Justice to proceed to do so, as it improves citizens' access to justice outside the European Union;

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

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P7\_TA(2013)0245

## **Organised crime, corruption and money laundering**

### **European Parliament resolution of 11 June 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken (interim report) (2012/2117(INI))**

(2016/C 065/03)

*The European Parliament,*

- having regard to its decision of 14 March 2012 on setting up a special committee on organised crime, corruption and money laundering, its powers, numerical composition and term of office, adopted under Rule 184 of its Rules of Procedure,
- having regard to its decision of 11 December 2012 whereby the term of office of the Special committee on organised crime, corruption and money laundering is to be extended until 30 September 2013,
- having regard to Article 3 of the Treaty on European Union, to Article 67 and Part Three, Title V, Chapter 4 (Articles 82-86) and Chapter 5 (Articles 87-89) of the Treaty on the Functioning of the European Union, and to the European Union Charter of Fundamental Rights, in particular Articles 5, 6, 8, 32, 38, and 41, Title VI (Articles 47-50), and Article 52 thereof,
- having regard to the Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, setting up a multi-annual process that aims at tackling the most important criminal threats in a coherent manner through optimum cooperation between Member States, the EU and third countries,
- having regard to the Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013,
- having regard to the Stockholm Programme on freedom, security and justice<sup>(1)</sup>, the Commission communication 'Delivering an area of freedom, security and justice for Europe's citizens — Action Plan Implementing the Stockholm Programme' (COM(2010)0171) and the Commission communication 'The EU internal security strategy in action: Five steps towards a more secure Europe' (COM(2010)0673),
- having regard to the EU Drugs Strategy (2005-2012) and the EU Drugs Action Plan for 2009-2012,
- having regard to the UN Convention against Transnational Organised Crime, adopted by the General Assembly on 15 November 2000 (resolution 55/25) and opened for signature in Palermo on 12 December 2000, and the protocols thereto,
- having regard to the UN Convention against Corruption (UNCAC), opened for signature in Merida on 9 December 2003,
- having regard to the UN Convention against illicit traffic in narcotic drugs and psychotropic substances, adopted by the General Assembly on 20 December 1988 (resolution 1988/8) and opened for signature in Vienna, from 20 December 1988 to 28 February 1989, and thereafter in New York, until 20 December 1989,
- having regard to the Council of Europe criminal and civil law conventions on corruption, opened for signature in Strasbourg on 27 January 1999 and 4 November 1999 respectively, and to resolutions (98) 7 and (99) 5, adopted by the Council of Europe Committee of Ministers on 5 May 1998 and 1 May 1999 respectively, establishing the Group of States against Corruption (GRECO),

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<sup>(1)</sup> OJ C 115, 4.5.2010, p. 1.



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- having regard to the Council Act of 26 May 1997 drawing up, on the basis of Article K.3(2)(c) of the Treaty on European Union, the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union <sup>(1)</sup>,
- having regard to the OECD Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions, opened for signature in Paris on 17 December 1997, and to the recommendations supplementing it,
- having regard to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, opened for signature in Warsaw on 16 May 2005, and to the Council of Europe Committee of Ministers' Resolution CM/Res(2010)12 of 13 October 2010 on the Statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL),
- having regard to the 40 recommendations and 9 special recommendations of the Financial Action Task Force (FATF) on combating money laundering and the financing of terrorism and proliferation,
- having regard to the work of the Basel Committee on Banking Supervision (BCBS),
- having regard to Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime <sup>(2)</sup>,
- having regard to Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime <sup>(3)</sup>, Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence <sup>(4)</sup>, Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property <sup>(5)</sup>, and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders <sup>(6)</sup>,
- having regard to Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime <sup>(7)</sup> and having regard to Commission report COM(2011)0176 based on Article 8 of that decision,
- having regard to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States <sup>(8)</sup>, and the subsequent amending acts,
- having regard to Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams <sup>(9)</sup> and to the Commission report on national measures taken to comply with that framework decision (COM(2004)0858),
- having regard to Council Decision 2009/902/JHA of 30 November 2009 setting up a European crime prevention network (EUCPN) <sup>(10)</sup>,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(11)</sup> and to the Communication from the Commission 'The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016' (COM(2012)0286),

<sup>(1)</sup> OJ C 195, 25.6.1997, p. 1.

<sup>(2)</sup> OJ L 300, 11.11.2008, p. 42.

<sup>(3)</sup> OJ L 182, 5.7.2001, p. 1.

<sup>(4)</sup> OJ L 196, 2.8.2003, p. 45.

<sup>(5)</sup> OJ L 68, 15.3.2005, p. 49.

<sup>(6)</sup> OJ L 328, 24.11.2006, p. 59.

<sup>(7)</sup> OJ L 332, 18.12.2007, p. 103.

<sup>(8)</sup> OJ L 190, 18.7.2002, p. 1.

<sup>(9)</sup> OJ L 162, 20.6.2002, p. 1.

<sup>(10)</sup> OJ L 321, 8.12.2009, p. 44.

<sup>(11)</sup> OJ L 101, 15.4.2011, p. 1.

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- having regard to the Charter of Fundamental Rights and the fact that the best interests of children involved in trafficking and migration cases, should always take primary concern,
- having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13th December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA <sup>(1)</sup>,
- having regard to Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing <sup>(2)</sup> and to the Commission report to Parliament and the Council on the application of that directive (COM(2012)0168),
- having regard to Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community <sup>(3)</sup>,
- having regard to Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors <sup>(4)</sup>,
- having regard to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds <sup>(5)</sup>,
- having regard to Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector <sup>(6)</sup> and to the Commission report to the Council based on Article 9 of that framework decision (COM(2007) 0328),
- having regard to Directive 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 service sectors <sup>(7)</sup>, Directive 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, and the amendments thereto <sup>(8)</sup>,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA <sup>(9)</sup>,
- having regard to the Commission's proposal (COM(2013)0045) for a directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing,
- having regard to the Commission's proposal (COM(2012)0085) for a directive on the freezing and confiscation of proceeds of crime in the European Union,
- having regard to the Commission's proposal (COM(2010)0517) for a directive on attacks against information systems and repealing Council Framework Decision 2005/222/JHA,
- having regard to the Commission communication to the European Parliament and the Council entitled 'An Action Plan to strengthen the fight against tax fraud and tax evasion' (COM(2012)0722),
- having regard to the Commission communication to the European Parliament and the Council entitled 'First Annual Report on the implementation of the EU Internal Security Strategy' (COM(2011)0790),

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<sup>(1)</sup> OJ L 335, 17.12.2011, p. 1.  
<sup>(2)</sup> OJ L 309, 25.11.2005, p. 15.  
<sup>(3)</sup> OJ L 309, 25.11.2005, p. 9.  
<sup>(4)</sup> OJ L 47, 18.2.2004, p. 1.  
<sup>(5)</sup> OJ L 345, 8.12.2006, p. 1.  
<sup>(6)</sup> OJ L 192, 31.7.2003, p. 54.  
<sup>(7)</sup> OJ L 134, 30.4.2004, p. 1.  
<sup>(8)</sup> OJ L 134, 30.4.2004, p. 114.  
<sup>(9)</sup> OJ L 315, 14.11.2012, p. 57.

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- having regard to the Commission communication to the Council and the European Parliament entitled ‘Tackling Crime in our Digital Age: Establishing a European Cybercrime Centre’ (COM(2012)0140),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Towards a comprehensive European framework for online gambling’ (COM(2012)0596),
- having regard to the Commission communication to the European Parliament and the Council entitled ‘Measuring Crime in the EU: Statistics Action Plan 2011-2015’ (COM(2011)0713),
- having regard to the Commission communication to the European Parliament and the Council on concrete ways to reinforce the fight against tax fraud and tax evasion including in relation to third countries (COM(2012)0351),
- having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions entitled ‘Towards an EU Criminal Policy: Ensuring the effective implementation of EU policies through criminal law’ (COM(2011)0573),
- having regard to the Commission report of 6 June 2011 to the Council on the modalities of European Union participation in the Council of Europe Group of States against Corruption (GRECO) (COM(2011)0307),
- having regard to the Commission communication to the European Parliament and the Council entitled ‘Proceeds of organised crime: ensuring that “crime does not pay”’ (COM(2008)0766),
- having regard to the Commission communication to the Council and the European Parliament on the prevention of and fight against organised crime in the financial sector (COM(2004)0262),
- having regard to the Commission Recommendation 2007/425/EC of 13 June 2007, identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein,
- having regard to its resolution of 8 March 2011 on ‘Tax and development — Cooperating with developing countries on promoting good governance in tax matters’ <sup>(1)</sup>,
- having regard to its resolutions of 15 September 2011 on the EU’s efforts to combat corruption <sup>(2)</sup>, of 25 October 2011 on organised crime in the European Union <sup>(3)</sup> and 22 May 2012 on an EU approach to criminal law <sup>(4)</sup>,
- having regard to its resolution of 17 November 2011 on combating illegal fishing at the global level — the role of the EU <sup>(5)</sup>,
- having regard to the joint motion for a resolution of 14 March 2013 on match-fixing and corruption in sport <sup>(6)</sup>,
- having regard to its resolution of 15 January 2013 with recommendations to the Commission on a Law of Administrative Procedure of the European Union <sup>(7)</sup>,
- having regard to its resolution of 7 June 2005 with a proposal for a recommendation to the Council on combating the financing of terrorism <sup>(8)</sup>,
- having regard to the Europol Serious and Organised Crime Threat Assessment (SOCTA) report 2013,
- having regard to its resolution of 21 May 2013 on the fight against tax fraud, tax evasion and tax havens <sup>(9)</sup>;

<sup>(1)</sup> OJ C 199 E, 7.7.2012, p. 37.

<sup>(2)</sup> OJ C 51 E, 22.2.2013, p. 121.

<sup>(3)</sup> OJ C 131 E, 8.5.2013, p. 66.

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0208.

<sup>(5)</sup> Texts adopted, P7\_TA(2011)0516.

<sup>(6)</sup> Texts adopted, P7\_TA(2013)0098.

<sup>(7)</sup> Texts adopted, P7\_TA(2013)0004.

<sup>(8)</sup> OJ C 124 E, 25.5.2006, p. 254

<sup>(9)</sup> Text adopted, P7\_TA(2013)0205.

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- having regard to the conclusions which have emerged from the public hearings, discussions on the working documents, and exchanges of views with eminent figures, as well as from the delegation visits made by Parliament's Special committee on organised crime, corruption and money laundering,
- having regard to the replies to the questionnaire sent to the national parliaments on their role and experience regarding organised crime, corruption, and money laundering,
- having regard to the thematic papers by Inés Ayala Sender, Agustín Díaz de Mera García Consuegra, Emma McClarkin, and Gay Mitchell on organised crime,
- having regard to the thematic papers by Cornelis de Jong, Mariya Gabriel, Theodoros Skylakakis, and Barbara Weiler on corruption,
- having regard to the thematic papers by Mario Borghesio and Rui Tavares on money laundering,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the interim report of the Special committee on organised crime, corruption and money laundering (A7-0175/2013),

***Organised crime, corruption, and money laundering***

- A. whereas the Special Committee on organised crime, corruption and money laundering (CRIM) was mandated to investigate the extent of organised crime, corruption and money laundering supported by the best available threat assessments and to propose appropriate measures for the EU to prevent and address these threats and to counter them at the international, European and national level;
- B. whereas traditional criminal organisations have gradually extended their operating range on an international scale, exploiting the opportunities offered by the opening of the internal borders of the European Union, as well as economic globalisation and new technologies, and entering into alliances with criminal groups in other countries (examples being the South American drug cartels and Russian-speaking organised crime) in order to carve up markets and spheres of influence; whereas, increasingly, criminal groups are diversifying in their operations, with links growing between drug trafficking, trafficking in human beings, facilitation of irregular immigration and weapons trafficking; whereas the link between terrorism and organised crime is becoming increasingly organic;
- C. whereas the global economic crisis not only creates a breeding-ground for enhanced illegal activities by certain individuals, but also leads to new types of organised criminal activity, such as fraud and corruption in professional sport, counterfeiting of everyday consumer goods such as foodstuffs and pharmaceuticals, illegal trade in cheap labour, and human trafficking; whereas by infiltrating the legal economy, organised crime, fraud and money laundering have a devastating effect on Member States;
- D. whereas it is very rare for an organised crime group not to have a crossborder dimension and this is the greatest invisible threat to the security and prosperity of European citizens, who have not been informed about the explosive increase in crossborder crime or the inability of national law enforcement authorities to counter it other than within their own national borders;
- E. whereas criminal organisations have been tending increasingly to rely on mutual assistance enabling them — also through their new international structures and the diversification of their activities — to transcend their differences in terms of language, ethnic origin, and commercial interests and engage in joint trafficking, thereby reducing costs and maximising profits at a time of world economic crisis;
- F. whereas Europol's SOCTA 2013 estimates that there are at least 3 600 criminal organisations currently active in the EU and acknowledges that the most widespread features of these organisations are their network style and cooperative approach, their strong presence in the international legal economy, their tendency to focus on — especially in the larger organisations — different criminal activities at the same time and the fact that as many as 70 % of existing organisations have members of different nationalities, thereby demonstrating the transnational nature of the phenomenon;
- G. whereas poverty constitutes an enabler for organised crime as poverty is exploited by criminal organisations;

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- H. whereas it is essential to eliminate poverty and to improve people's access to employment and social protection;
- I. whereas operations involving trafficking in human beings and human organs, forced prostitution, the enslavement of human beings and or the establishment of forced labour camps are often run by transnational criminal organisations; whereas it is necessary and urgent to consistently monitor international organ trafficking and its connections with criminal organisations; whereas human trafficking is a form of crime and a fast-changing phenomenon which generates profits in the region of EUR 25 billion every year and affects all Member States;
- J. whereas the total number of forced labourers in the Member States is estimated at 880 000, of whom 30 % are estimated to be victims of sexual exploitation and 70 % victims of forced labour exploitation, with women constituting the majority of victims in the EU; whereas forced labour is highly profitable for organised crime, results in social dumping and damages society through lost tax revenue;
- K. whereas the victims of human trafficking originate from both within and outside the EU;
- L. whereas the victims of trafficking in human beings are recruited, transported or kept by means of force, coercion or fraud for purposes of sexual exploitation, forced labour or services, including begging, slavery, servitude, criminal activities, domestic service, adoption or forced marriage, or for the removal of organs; whereas these victims are exploited and totally subjugated by their traffickers or exploiters, obliged to repay them huge debts, often deprived of their identity papers, locked in, isolated and threatened, and thus, living in fear of retaliation, with no money and with fear of the local authorities instilled into them, lose any hope of escaping or returning to normal life;
- M. whereas sealing the external borders of the EU is impossible;
- N. whereas 2 000 people die every year in the Mediterranean while attempting to enter the EU;
- O. whereas, although trafficking in human beings evolves with changing socio-economic circumstances, the victims come mainly from countries or regions which are subject to economic and social hardship and the vulnerability factors have not changed for years; whereas the other causes of trafficking in human beings include a booming sex industry as well as demand for cheap labour and products, while the common factor for those who become victims of trafficking is, in general terms, the promise of a better quality of life and existence for themselves and/or their families;
- P. whereas illicit trafficking in and smuggling of organs, arms, drugs, including CBRN substances and precursors as well as prescription drugs, wildlife species and body parts, cigarettes and tobacco, works of art, and other products stem from a variety of sources, supply new criminal markets all over Europe, offers criminal organisations enormous opportunities for profit, and challenge- the EU's and Member States' border security, as well as the single market and the EU's financial interests;
- Q. whereas criminal groups have widened the range of drug-trafficking routes and, moreover, started trafficking in other commodities; whereas the internet provides a tool and a new route both in the supply of precursors for drug production and in the distribution of psychotropic substances; whereas the trade in drug precursors such as ephedrine, pseudoephedrine and acetic anhydride is not adequately controlled in the Union and presents a serious danger;
- R. whereas the control of precursor chemicals and equipment used in synthetic drug manufacture is a key element in reducing drug supply;
- S. whereas chemicals used for licit purposes can be diverted from the licit trade by criminal organisations and be used as drug precursors; whereas in 2008, 75 % of global seizures of acetic anhydride, the main drug precursor for heroin, occurred in the EU, while the annual reports of the UN's International Narcotics Control Board continue to make reference to the insufficiently strict measures put in place by the EU to avert the diversion of this precursor chemical for illicit purposes;
- T. whereas many Union citizens are living in poverty and unemployment while crossborder crime increases year by year;

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- U. whereas the number of legitimate jobs in the Union lost to illegal activity by criminal gangs cannot be calculated accurately, since criminals do not publish reports, but may be estimated in tens of millions;
- V. whereas the loss of tax revenues to national governments and the Union can, similarly, only be estimated, but is probably in the range of hundreds of billions of euro each year and is increasing;
- W. whereas illegal trafficking in cigarettes results in an annual tax loss of approximately EUR 10 billion; whereas the estimated turnover generated by global small arms trafficking ranges between USD 170 million and 320 million a year, while there are more than 10 million illegal weapons in circulation in Europe, posing a serious threat to the safety of citizens as well as to law enforcement; whereas trafficking in the above items can entail losses to state revenues and damage to manufacturing companies, and facilitates the spread of other forms of organised crime which in turn create a serious social threat, since this phenomenon could easily become a source of terrorist financing;
- X. whereas the sums generated by trafficking in wildlife species and body parts are estimated at EUR 18 to 26 billion per year, with the EU being the world's foremost destination market;
- Y. whereas trafficking entails losses to state revenue, damages manufacturing companies and has a detrimental effect on jobs, the public and the social environment;
- Z. whereas criminal organisations have developed their infiltration capacity, since they are now operating in, for example, public works, transport, large-scale retailing, waste management, trade in wildlife and natural resources, private security, adult entertainment and many more sectors besides, most of which are subject to political control and decision-making; whereas, consequently, organised crime is increasingly resembling an economic global player with a strong business orientation, enabling it to supply different kinds of illegal — but also, to an increasing extent, legal — goods and services at the same time and impacting upon the European and global economy, at a cost to business of USD 870 billion annually;
- AA. whereas the organised and mafia-style criminal activities relating to the environment — in their various forms of illegal waste trafficking and disposal and destruction of the environmental, landscape, artistic and cultural heritage — have now taken on an international dimension that requires a joint effort on the part of all European countries for more effective joint action to prevent and combat the so-called ecomafias;
- AB. whereas the huge amounts of money generated by organised crime and mafia networks are channelled into banks and financial markets in the EU itself, thereby making them accessories to money laundering;
- AC. whereas international banks play a significant role in enabling money laundering and have directly been involved in laundering the proceeds of organised crime;
- AD. whereas the SOCTA report published by Europol in 2013 points out that commodity counterfeiting and illicit trade in goods constitute an emerging criminal market that is intensified by the economic crisis; whereas drug trafficking remains the biggest criminal market; whereas the illicit trade in waste and energy fraud are new emerging threats demanding particular attention;
- AE. whereas if organised crime in all its forms is to be combated effectively, it is essential to develop and implement measures aimed at depriving criminal organisations of their financial resources by striking at bank secrecy wherever necessary;
- AF. whereas criminal organisations can take advantage of a grey area of collusion with other parties, merging for the purpose of certain operations with white-collar perpetrators (entrepreneurs, public officials at all levels of decision-making, politicians, banks, professionals, etc), who, while not actually belonging to criminal organisations, have mutually lucrative business relations with them;

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- AG. whereas in some European countries which are not EU Member States a large part of society remains in a grey area, often living off criminal activities; whereas this mainly involves young people;
- AH. whereas in addition to using violence, intimidation and terrorism, organised crime now also operates through corruption; whereas money laundering is linked not only to activities typically associated with organised crime, but also to corruption and tax crimes; whereas conflicts of interest can be a cause of corruption and fraud; whereas, therefore, organised crime, corruption, and money laundering, though distinct phenomena, are often interrelated; whereas organised crime can also use public and private sector organisations, including non-profit organisations, as cover for corruption and money-laundering purposes;
- AI. whereas investigative journalists play a vital role in revealing corruption, fraud and organised crime and consequently they are exposed to particular financial and security threats; whereas, for instance, over a period of five years within the 27 Member States a total of 233 investigative reporting have been published on cases of fraud related to the misuse of EU funds <sup>(1)</sup>; whereas additional funding, in particular by the Commission and other international institutions, is indispensable for supporting and further enhancing investigative journalism;
- AJ. whereas money laundering, corruption and organised crime perpetrated by European actors seriously affect developing countries and represent an obstacle to their development by plundering their natural resources, by limiting their fiscal resources and by increasing their public debt;
- AK. whereas the internet makes it possible for criminal groups to act more rapidly and on a larger scale, and has thus changed the patterns of criminal activity; whereas cybercrime, especially in the forms of fraud and exploitation of children, is a growing threat, while criminal organisations are using online betting on sport as a tool for generating profits and laundering money around the globe;
- AL. whereas match-fixing is a new form of crime with high revenues, low sentences and, due to low detection rates, is a lucrative business for criminals;

#### ***In defence of citizens and of the lawful economy***

- AM. whereas the protection of citizens and a lawful and competitive economy depend on political will at all levels, as well as on resolute measures to combat organised crime, trafficking in human beings, corruption, and money laundering, phenomena which are severely detrimental to society and, in particular, constitute a threat to the survival of law-abiding businesspeople, to the safety of citizens and consumers and to the fundamental democratic principles of the state;
- AN. whereas criminal groups exploit modern technology, environments and opportunities mirroring legitimate business opportunities and goals; whereas criminal groups have high levels of expertise, organisation, experience and sophistication, backed up by increased mobility, connectivity and ease of travel; whereas this has led to organised crime being less localised and more likely to exploit differing legal systems and differing national legal jurisdictions;
- AO. whereas the United Nations Office on Drugs and Crime (UNODC) estimates that the proceeds of illegal activities worldwide account for about 3,6 % of global GDP, while the flow of laundered money in the world today amounts to approximately 2,7 % of global GDP; whereas the Commission estimates that in the EU alone corruption costs roughly EUR 120 billion a year, that is to say, 1 % of EU GDP; whereas substantial resources are thus being stolen from economic and social development, public finances and citizens' welfare;
- AP. whereas the proceeds of illegal activities and money-laundering networks have a negative impact on the EU economy by encouraging speculation and financial bubbles which are harmful to the real economy;

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<sup>(1)</sup> European Parliament, Study on the Deterrence of fraud with EU funds through investigative journalism in EU-27, (PE 490.663) of 17 October 2012.

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- AQ. whereas in some countries corruption poses a serious threat to democracy and is an obstacle to efficient and just governance; whereas it discourages investment, distorts the operation of domestic markets, impedes fair competition among businesses, and, ultimately, jeopardises economic development by misallocating resources, especially to the detriment of public services in general and social services in particular; whereas bureaucratic complexity, compounded by multiple unnecessary prior authorisation requirements, can discourage entrepreneurship, hamper legitimate economic activity and provide incentives for bribing officials or engender other forms of corruption;
- AR. whereas differences in legislation and enforcement in respect of bribery of public officials negatively affect the internal market, not only because there is no level playing field for companies but also because such bribery occurs within the EU as well, when companies based in one Member State bribe public officials of another Member State, thus disrupting the functioning of markets;
- AS. whereas corruption is perceived by 74 % of European citizens to be a major national and supranational problem,<sup>(1)</sup> while cases of corruption apparently occur within all sectors of society; whereas corruption undermines citizens' confidence in democratic institutions and the effectiveness of elected governments in preserving the rule of law, since it creates privileges and hence social injustice; whereas distrust of politicians is heightened in times of dire economic crisis;
- AT. whereas the areas in which reported petty corruption is higher, in terms of percentage of bribe cases per contact, are on average: medical services 6,2 %, land services 5 %, customs 4,8 %, judiciary 4,2 %, police 3,8 %, registry and permit services 3,8 %, education system 2,5 %, utilities 2,5 %, tax revenue 1,9 %;
- AU. whereas in areas with high levels of crime, the resources of the local economy are unlawfully appropriated by criminal organisations and normal business ambitions, including investment from other countries, are thus discouraged; whereas in such areas credit is more difficult to obtain for 'clean' companies, given the higher costs and more stringent guarantees that banks require; whereas businesses in economic difficulty are sometimes forced to turn to criminal organisations in order to obtain credit for investments;
- AV. whereas localised organised criminals take advantages of gaps in the legal economy and can become major players in supplying everyday goods; whereas, in addition to extortion and intimidation, which constitute threats to local communities, this undermines the legal economy and the community as a whole, in terms of the safety of businesses and citizens; whereas cybercrime, counterfeiting of or illegal online trafficking in creative content, child pornography, pharmaceutical products, legal psychotropic substances and drug precursors, components, spare parts, and other products in common everyday use as well as issues related to the relevant rights and licences are endangering public health, safety, jobs and social stability and can inflict massive damage on businesses in the sectors concerned, to an extent that puts their continued existence at risk;
- AW. whereas the increasing number of crimes being perpetrated against the agri-food sector are not only seriously endangering the health of European citizens but also causing considerable damage to those countries that have made food excellence their major asset;
- AX. whereas the sexual exploitation of children via the internet and child pornography pose a particular threat; whereas cybercrime, and in particular profit-motivated cybercrime and unauthorised access to information systems, are often linked to financial fraud; whereas Cybercrime as a Service (CaaS) is increasing and the amount of malware is rising dramatically; whereas the European bodies concerned with these issues require further funding;

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<sup>(1)</sup> Special Eurobarometer 374 on Corruption, February 2012.



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- AY. whereas money laundering is assuming increasingly more complex forms that are not easily traceable; whereas in order to launder dirty money criminal organisations are making increasing use of illegal, and sometimes legal, betting and match-fixing, especially online, as well as of banks in countries where money transfers are not monitored sufficiently to prevent money laundering and tax evasion; whereas match-fixing should be viewed as a profitable form of organised crime; whereas legal gambling, as an expression of entrepreneurial activity, should be supported on the basis of the principles of subsidiarity and proportionality;
- AZ. whereas the forging of a company's accounting documents often serves to create unofficial liquidity, which reduces the amount of tax payable and can be used for corruption or money laundering, while impinging on fair competition and reducing the capacity of the state to perform its social function;
- BA. whereas in a time of austerity, tax fraud is estimated to cost Member States EUR 1 trillion per year; whereas tax avoidance and evasion is not limited to the black market but is found in the real economy amongst well known corporations;

***Need for a common Europe-wide approach***

- BB. whereas some work has already been done at European level with a view to creating a balanced regulatory and legal framework to deal with organised crime, corruption, and money laundering;
- BC. whereas, especially in the case of crossborder crime, the variety of approaches which Member States apply to crime and the differences in substantive and procedural criminal law can create loopholes and weaknesses in criminal, civil and fiscal legal systems throughout the European Union; whereas tax havens, countries pursuing loose banking policies and breakaway countries where a strong central authority is lacking have become essential to money laundering by organised crime;
- BD. whereas criminal groups often have an international network structure, therefore, this international structure requires a cross-border response, including effective and comprehensive communication and the sharing of information between equivalent national and international agencies;
- BE. whereas the protection of the EU's financial interests and of the euro must be a priority in terms of monitoring the growing phenomenon by which criminal organisations are misappropriating European funds through what is termed 'Community fraud' and euro counterfeiting;
- BF. whereas programmes such as Hercule, Fiscalis, Customs and Pericles have been developed at the European level to protect the EU's financial interests and fight against transnational and cross-border criminal and illicit activities;
- BG. whereas the major enemy of the Eurozone is the divergence of productivity gains among the Member States; whereas these create, in the medium and long term, a divergence in terms of competitiveness that cannot be dealt with by monetary devaluation and leads to harsh and politically unsustainable austerity programs aimed at internal devaluation; whereas systemic corruption in the public sector, which acts as a major impediment for efficiency, foreign direct investment and innovation, is thus preventing the proper functioning of the monetary union;
- BH. whereas there are at least 20 million cases of petty corruption in the public sectors in the EU and it is obvious that the phenomenon also has a spill-over effect in the parts of the public administration of the Member States (and the corresponding political persons) which are responsible for the management of EU funds and other financial interests;
- BI. whereas there is a very substantial tax gap in Europe, an estimated EUR 1 trillion in public revenue is lost every year in the EU because of tax fraud and tax avoidance, representing a yearly cost of around EUR 2 000 to every EU citizen;
- BJ. whereas in order to fight organised crime legislators in the Member States must be able to react promptly and effectively to changing structures and new forms of crime, and even more so since under the Treaty of Lisbon all Member States are obliged to facilitate a Union of freedom, security and justice;

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- BK. whereas the European approach to combating organised crime, corruption, and money laundering must be based on the best available threat assessments and on closer judicial and police cooperation, extending also to non-EU countries, common definitions of criminal offences — including participation in a criminal organisation and self-laundering —, criminalisation of all forms of corruption, approximation of Member States' legislation concerning certain procedurally relevant arrangements such as statute of limitations, effective systems for the confiscation and recovery of proceeds of organised crime and corruption, increased accountability of government, politicians, lawyers, notaries, real estate agents, insurance companies and other businesses, training of judges and police forces, and the exchange of best practices relating to proper means of prevention;
- BL. whereas mutual recognition is recognised as a fundamental principle underpinning judicial cooperation in civil and criminal matters between the EU's Member States;
- BM. whereas the fight against trafficking in human beings is a priority for the EU, as from the 1990s many initiatives, measures and funding programmes and a legal framework have been developed, and whereas Article 5 of the Charter of Fundamental Rights of the European Union prohibits specifically trafficking in human beings;
- BN. whereas, for the Member States to cooperate in tackling crime and making justice systems work, there needs to be mutual trust between judicial authorities in the EU; whereas the principle of mutual trust requires the establishment of minimum protection standards at the highest possible level;
- BO. whereas the criminal law and criminal proceedings systems of the Member States have evolved over centuries; whereas each Member State has its own characteristics and special features and whereas, as a consequence, key areas of criminal law must be left to the Member States;
- BP. having regard to the substantive difference between witnesses and informers; having regard to the duty of the Member States and the European Union to protect and safeguard those who have chosen to stand against organised crime and the mafia, endangering their lives and those of their loved ones;
- BQ. whereas, although tendering for Public Procurement is heavily monitored, the spending afterwards is far from transparent and there is a wide variety across Member States for declaration of interests;

***In support of a coherent uniform regulatory framework***

1. Considers it necessary to prepare an appropriate political response to combat the presence of criminal organisations and mafias at EU level by means of a detailed and timely action plan that lays down legislative and non-legislative measures aimed at dismantling those organisations and identifying and recovering any form of wealth that, directly or indirectly, is connected to them;
2. Is convinced that in order to defeat organised and Mafia-style crime and to eradicate phenomena such as corruption and money laundering which, taken together, restrict the freedom, rights and safety of EU citizens and those of future generations, it is necessary not only to react to such criminal activity but also to make major efforts to prevent it;
3. Calls on the Commission to propose common judicial standards and models for integration and cooperation among Member States; calls on it in particular, on the basis of an evaluation report on the implementation of the Framework Decision on the fight against organised crime and building on Member States' most advanced legislation, to submit a legislative proposal setting out a common definition of organised crime, which should include, inter alia, the offence of participation in a mafia-style organisation, emphasising the fact that criminal groups of this kind are business-oriented and wield a power of intimidation and taking into account Article 2(a) of the UN Convention against Transnational Organised Crime; stresses that proposals for EU substantive criminal law provisions must respect fundamental rights and the principles of subsidiarity and proportionality, as well as the positions of Parliament's resolution of 22 May 2012 on an EU approach to criminal law;

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4. Calls on the Commission to draw up a common definition of corruption in order to develop a coherent global policy against corruption; recommends that, when drawing up its report on action taken by Member States against corruption, due to be published in 2013, the Commission should cover all forms of corruption, in both the public and the private sector, including non-profit organisations, highlighting the best national experiences in combating it, and should provide an accurate way of measuring the phenomenon, to include a comprehensive overview of vulnerable areas of corruption on a country-by-country basis; calls on the Commission to report regularly to Parliament as well as to the Conference of the States Parties to UNCAC on actions taken both by Member States and at EU level, and to update the existing European legislation accordingly;
5. Maintains that an effective regulatory framework should duly take into account the interaction between anti-money laundering provisions and the fundamental right to the protection of personal data, so that money laundering is addressed without lowering established data protection standards; in this regard, welcomes the data protection system used by Europol;
6. Calls on the Commission to provide in its proposal to harmonise criminal law on money laundering, due to be submitted in 2013, a common definition of the offence of self-laundering based on Member States' best practices, and to consider as predicate offences those offences which are deemed serious as being likely to deliver a profit to the persons committing them.
7. Calls on the Commission to make a proposal developing Article 18 of the Trafficking in Human Beings (THB) Directive which encourages Member States to criminalise the use of services of victims of all forms of exploitation of human trafficking, both concerning sexual and labour exploitation;
8. Considers that the conditions and devastating consequences suffered by the victims of trafficking in human beings are unacceptable and constitute a criminal violation of human rights; calls, therefore, on the Commission and the Member States, to make trafficking socially anathema through strong and sustained awareness-raising campaigns with clear and scheduled reduction targets; these campaigns should be evaluated annually in the framework of the European Anti-Trafficking Day on 18 October every year, as well as after five years, between now and the European Anti-Trafficking Year;
9. Recommends that the Member States, in cooperation with the Commission and the European Parliament and with the support of Europol, Eurojust and the Fundamental Rights Agency, devise EU-level indicators, which should be as uniform and consistent as possible, to measure, at least, the extent and costs of and social harm caused by organised crime, corruption and money laundering occurring in the EU;
10. Calls on the Commission and the Council to consider establishing an EU list of criminal organisations, following the example of the EU list of organisations considered to be terrorist organisations;
11. Recommends that a European network be established to bring together the various universities dealing with organised crime, corruption and money laundering in order to promote university research in these areas;
12. Points to the need for the full implementation of the existing mutual recognition instruments and for European legislation providing for the enforceability of criminal judgments and confiscation orders in Member States other than those in which they were issued; considers that mutual legal assistance and the mutual admissibility of evidence between Member States should be improved;
13. Believes that actions to combat trafficking in human beings and forced labour need to focus on the root causes such as global inequalities; calls, therefore, on Member States to live up to their development aid and MDG commitments;
14. Calls on the Commission and on the EEAS to strengthen the external dimension of measures and programmes, including bilateral agreements, to fight against human trafficking by preventive actions in the countries of origin and transit with special attention to unaccompanied minors and children;
15. Calls on the Commission to develop a reliable monitoring system across the EU, to more effectively monitor the movements of traffickers and the victims of trafficking;

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16. Calls on the Commission to develop, as a matter of urgency, a comparable and reliable EU-wide data collection system, based on agreed and solid common indicators, together with both the Member States and the international institutions involved in the fight against human trafficking; in order to raise the visibility and urgency of this data system, it could be useful to set up an Anti-Trafficking Observatory within the EU Anti-Trafficking website that is already in place, with all EU institutions and the seven agencies involved being obliged to introduce their data and NGOs and other institutions being invited to do the same;
17. Calls on the Commission to implement the recommendations outlined in the EU strategy towards the eradication of trafficking in Human Beings 2012-2016;
18. Calls on the Commission to fulfil the conditions needed for completing the European helpline for victims of trafficking, to help spread awareness of their rights;
19. Calls on the Commission to devote more resources to combating the use of social networking and cybercrime in human trafficking;
20. Calls on the Commission to increase cross border judicial and police cooperation between EU Member States and EU Agencies, given that the criminal offence of human trafficking is not limited to one Member State;
21. Calls for a strengthening of sanctions against banking and financial institutions which are complicit in receiving and/or laundering the proceeds of organised crime;

***Combating and preventing organised crime and corruption by striking at the proceeds and assets that it generates***

22. As regards confiscation, invites Member States, on the basis of the most advanced national legislations, to consider to implement models of civil law asset forfeiture, in those cases where, on the balance of probabilities and subject to the permission of a court, it can be established that assets result from criminal activities, or are used for criminal activities; considers that preventive models of confiscation could be foreseen following to a court decision, in compliance with constitutional national guarantees and without prejudice to the right of property and the right of defence; moreover encourages Member States to promote the use of criminal assets for social purposes; suggests that actions should be undertaken and funds released to finance protective measures in order to preserve confiscated assets intact;
23. Recommends that an economic operator should be excluded for at least five years from participation in any public contract throughout the EU if that operator has been the subject of a conviction by final judgment for participation in a criminal organisation, money laundering or terrorist financing, participation in exploitation of human trafficking or child labour, corruption or any other serious offence against the public interest wherever such offences cause a loss in tax revenue or social harm, or for any other particularly serious crime with a crossborder dimension as referred to in Article 83(1) TFEU ('Eurocrimes'), and that the above provision should apply even when the grounds for exclusion arise in the course of the award procedure; considers that procedures for public procurement must be based on the principle of legality, and also that, in that framework, the criterion of the economically most advantageous tender should be defined in order to ensure transparency (to be achieved not least through e-procurement) and prevent frauds corruption and other serious irregularities; calls on the Commission's services to establish a structure or cooperation schemes so as to ensure a holistic approach to fighting corruption offences related to public procurement;
24. Notes existence of a link between legitimate and illicit business activities, since in some cases legitimate interests provide resources for illicit activities; emphasises that monitoring the flow of legitimate interests can help identify criminal assets;
25. Considers that, in order to combat drug trafficking, as well as other offences which are expressions of organised crime, action by judicial and police authorities should be able to benefit not only from cooperation with Eurojust and Europol, but also from cooperation arrangements, without prejudice to their duties of confidentiality, with businesses in the transport and logistics sectors, the chemical industry, internet service providers, and banks and financial services, in both Member States and non-EU countries; emphasises the importance of tackling the supply of drugs through strict controls on drug precursors, and welcomes the Commission proposal amending Regulation (EC) No 273/2004, which sets out ways to improve the prevention of diversion from the internal EU trade in acetic anhydride, for example, by extending the registration requirement for this product;

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26. Expresses concern about the ineffectiveness of the investigative tools made available in different national legal systems, which do not take due account of the need for an appropriate and specific set of tools with which to combat criminal and mafia organisations; reiterates its request to the Commission, already expressed in its resolution of 25 October 2011, that a comparative study of the special investigative techniques currently used in the different Member States be developed, to provide a basis for action at EU level, with the aim of equipping the authorities responsible with the investigative tools they need, based on existing best practices;

27. Invites the Commission, the Member States and businesses to take practical steps to improve the traceability of products (e.g. country of origin labelling for agri-food products, C.I.P. proof marks on firearms, or digital codes for the tax identification of cigarettes, alcoholic drinks and prescription drugs) in order to protect consumers' health, enhance citizens' safety, discourage smuggling and combat illicit trafficking more effectively; regrets that the Member States did not wish to introduce traceability in the modernisation of the Union Customs Code;

28. Calls on the Commission and the Member States to step up their maritime cooperation with a view to stamping out trafficking in human beings and the flows of drugs and illegal or counterfeit products across the EU's internal and external sea borders; acknowledges that border management also implies a migration dimension related to the fundamental rights of migrants, including, where appropriate, the right to asylum, as well as protection of and assistance to victims of human trafficking or forced labour, especially minors;

29. Considers that an action plan aiming at a Europe-wide legislative framework for criminal justice and the introduction of operational tools to combat cybercrime must be developed without further delay, with a view to achieving greater international cooperation and with the support of the European Cybercrime Centre (EC3), in order to ensure a high level of security for citizens — especially vulnerable persons — , businesses and public authorities while not prejudicing freedom of information and data protection;

30. Notes with concern the significant link that has been highlighted by the judicial authorities and police between organised crime and terrorism in terms of the financing of the illegal activities of terrorist groups via the proceeds of illicit trafficking at international level; calls on the Member States to strengthen their measures to combat these activities;

31. Given that organised crime uses the cyberspace and its illegitimate tools ever more extensively, calls on the Member States to adopt their national cyber security strategies without any further delay;

32. Calls on the Commission to develop an EU Charter for Protection and Assistance of Victims of Trafficking in order to gather all existing indicators, measures, programmes and resources in a more coherent, efficient and useful way for all stakeholders involved with the objective to strengthen the protection of the victims; calls on the Commission to set up a helpline for victims of trafficking in human beings;

33. Reminds the Commission that special treatment should be given to children who are victims of trafficking, as well as to improve the protection of unaccompanied minors or trafficked children by their own families (cases to be taken into account when proposing return to countries of origin, identification of guardians, etc.); insists on the need to take into account not only the gender specific approach but also the role of health problems and disabilities;

34. Calls on the Commission to increase the resources allocated to specialised NGOs, media and research in order to step up support, protection and assistance for victims so that their testimony in court becomes less necessary; calls on the Commission also to reinforce the aspects of visibility, awareness-raising and victims' needs, with the aim of reducing the demand for and abuse of victims of trafficking in human beings and promoting a 'zero vision' against sexual and labour exploitation;

35. Calls on the Commission to develop a system of more efficient and proactive financial investigation, as a key means of reducing the pressure on victims of human trafficking as the main witnesses when traffickers are brought to trial; also calls on the Commission to dedicate improved specialised training and sufficient resources to the EU agencies fighting against human trafficking, including crossborder cooperation and cooperation beyond borders; reminds the Commission that these actions require a holistic approach, promoting multidisciplinary cooperation at local, national and transnational level and encouraging Member States to set up, inter alia, dedicated national police intelligence units and to stimulate cooperation between administrative and law enforcement authorities;

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***Strengthening judicial and police cooperation at European and international level***

36. Stresses the importance of intensifying cooperation and enhancing transparency by developing effective communication and information sharing between judicial and law enforcement agencies among Member States, Europol, Eurojust, OLAF, and ENISA, and with the corresponding authorities in non-EU countries and especially the EU's neighbouring countries, with a view to improving systems for gathering evidence and to enabling data and information relevant to the investigation of offences, including those against the EU's financial interests, to be processed and exchanged effectively, without in any way infringing the subsidiarity and proportionality principles or fundamental rights in the Union; in this regard, calls on the competent authorities in the Member States to apply the adopted instruments on judicial cooperation in criminal matters, which are important tools for ensuring an effective fight against crossborder organised crime; calls on the Commission to set up a roadmap for even closer judicial and police cooperation, creating a criminal investigative body and having investigative jurisdiction over violations and crimes in the EU;

37. Calls on the Commission to consider, in its association and trade agreements with third countries, specific cooperation clauses with regard to combating illegal trafficking by organised crime and money laundering; notes the lack of international cooperation, especially with non-EU countries of transit or origin; recognises the need for strong diplomatic action to urge those countries to contract cooperation agreements or to comply with the agreements that they have signed; stresses the importance of the mechanism of letters rogatory;

38. Stresses that the existing network of national anti-corruption contact points should be strengthened and assisted by EUROPOL, EUROJUST and CEPOL; underlines that it should serve not only as a place for exchange of information but that these contact points should also be used for improving bilateral cooperation in concrete cases of bribery of foreign public officials; recommends that the contact points should address differences in priority-setting, resources and expertise and signal any problems stemming from these differences; stresses that the network should encourage coordinated actions if the actual bribery has occurred in one Member State at the level of a subsidiary of a parent company or holding company established in another Member State;

39. Calls on the Member States to implement existing EU legislation swiftly and fully to enable the Union to take concerted action to combat crime;

40. Calls upon all Member States to commit themselves to making full use of the Europol and Eurojust agencies, whose operation and results, regardless of the reforms under way and improvements that need to be made, are highly dependent on the level of participation;

41. Stresses that, in order to fight against organised crime, it is essential to have a grass-roots approach to fighting corruption and organised crime at a European level, including the training and involvement of officers and Chiefs of Police, especially with regard to awareness of emerging and less visible types of criminal activity; notes that local crime often feeds into international crime;

42. Calls on the Member States to develop guidelines on enforcement in respect to corruption and money laundering; recommends that these guidelines consist of best practices (e.g., the need for specialised personnel, co-operation between investigative authorities and the judiciary, methods to overcome the often difficult gathering of evidence), of an indication of a critical level of human and other resources needed for effective prosecution and of measures facilitating international cooperation;

43. considers it vitally important to fully exploit the existing synergy between the European Judicial Network and Eurojust, in order to achieve a very high level of intra-European judicial cooperation;

44. Stresses the importance of consultation with regional and national law enforcement bodies and civil society when developing legislative and regulatory frameworks;

45. Notes the importance of Member States in partnership with the European Union and international actors, having a strong, long-term strategic plan in local and global issues related to organised crime, in order to identify emerging threats, market vulnerabilities and risk factors and to create an EU strategy which is based on planning and not just response;

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46. Calls on the Member States and the Commission to strengthen the role of judges, prosecutors and liaison officers and to provide judicial training in order to enable them to tackle all forms of organised crime, corruption and money laundering, including cybercrime, in particular through the use of CEPOL and the European Judicial Training Network and by making full use of financial instruments such as the Internal Security Fund for police cooperation or the Hercules III Programme; suggests promoting the teaching of foreign languages as part of the training of police forces and the judiciary, in order to facilitate transnational cooperation; calls for support for a European best practice exchange and training programme for judges, prosecutors and police forces;

47. Calls on the Member States and the Commission to continue common efforts to finalize the negotiations on the draft directive regarding the European Investigation Order in criminal matters, which simplifies evidence gathering in cross-border cases and is thus an important step on the way to the single area of freedom, security and justice;

48. Calls for enhanced cooperation with regard to false documents and fraud, and for the relevant bodies to work together to improve the reliability and authentication of source documents;

49. Advocates the establishment, at national level, of facilities devoted to the investigation into and combating of criminal and mafia organisations, with the possibility of developing — with the support of Europol — a streamlined, informal 'anti-mafia operational network' for the purpose of exchanging information on the structural connotations of existing mafias, criminal and financial projections, the location of assets and attempted infiltration of public procurement;

50. Believes that the globalisation of organised crime requires stronger cooperation among Member States and at EU and international level; calls, as regards fighting organised crime, corruption, and money laundering, for the EU, the UN, the OECD, and the Council of Europe to interact to a greater degree with a view to policy integration and the formulation of common operational definitions; supports the efforts made by the FATF to promote anti-money laundering policies; urges the Member States to ratify and fully implement all existing international instruments; calls on the Commission to support effectively the Member States' efforts to combat organised crime; recommends that the EU join GRECO as a full participant;

51. Recommends joint action to prevent and combat illegal environment-related activities connected to or resulting from organised, mafia-style criminal activities, also by strengthening European bodies, such as Europol and Eurojust, and international ones, such as Interpol and UNICRI, as well as by sharing working methods and information held by the Member States that have been the most involved in the fight against this form of crime, with a view to developing a common action plan;

52. Calls on the Council and the Member States to ratify and fully implement the Organisation for Economic Cooperation and Development (OECD) Convention on combating bribery of foreign public officials in international business transactions; stresses the negative impact that bribery of foreign officials has on the Union's fundamental rights, environment and development policies;

53. Maintains that the European Investigation Order (EIO) should be introduced and joint investigation teams and other systems for combating transnational organised crime should be strengthened; calls for a closer cooperation with EU neighbouring countries to fight organised crime entering the EU;

54. Calls on the Member States to develop appropriate global information-sharing strategies within their intelligence services and analyses seeking to identify emerging organised crime trends;

55. Strengthening cooperation on EU fraud between EU services at all state levels, including regional and municipal level which play a key role for managing EU funds;

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***In support of an efficient and corruption-resistant Public Administration***

56. Believes that we cannot have an effective economic and fiscal union without an anti-corruption Union;
57. Stresses that Transparency is the natural enemy of Corruption, which is how crimes start, and is convinced that holders of high offices or of great wealth with their privileges and immunities should be required to be totally transparent in their activities;
58. Considers that, in addition to potentially marring the effectiveness of administrative action, a disorganised, non-transparent bureaucracy and complex procedures undermine the transparency of decision-making and frustrate the people concerned, and thus provide a fertile breeding ground for corruption; considers that, in the same way, impenetrable bank and business secrecy can hide the illicit profits of corruption, money laundering and organised crime;
59. Refers to the Mérida convention against corruption (2003), and stresses that holders of high office or of great wealth with their privileges and immunities should be controlled, inter alia by the tax authorities, with such controls being reinforced in order to ensure fair and efficient services to the community and counter tax fraud; recommends, in particular, that holders of public office should submit declarations of assets, income, liabilities and interests; calls for measures to strengthen transparency and prevention through a coherent system of administrative law governing public spending and access to documents and the establishment of the necessary registers;
60. Recommends that stronger systems be put in place to bring transparency to, and eliminate bureaucracy ('red tape') from government departments and other public bodies by guaranteeing the right of citizens to access documents (starting with the very sensitive area of public procurement); urges that a culture of legality and integrity be fostered in the public and the private sector alike, not least by means of an effective protection scheme for whistleblowers;
61. Supports the actions of the Commission aimed at recognising the role of investigative journalism in the discovery and reporting of facts relating to organised crime, corruption and money laundering;
62. Calls on the Member States to strengthen the role of officials in preventing, providing information on and tackling the risks of fraud and corruption;
63. Calls for clear and proportionate rules, along with enforcement and monitoring mechanisms, to be specified in a code of conduct to prevent the phenomenon of 'revolving doors' or 'pantouflage', under which public officials occupying a certain level of managerial or financial responsibility would be forbidden to move to the private sector until a defined time has elapsed since their departure from service if there is a risk of a conflict of interest with their preceding public function; also considers that whenever there is a risk of a conflict of interest similar restrictions should apply to people moving from the private to the public sector;
64. Calls on the Commission to submit a proposal on the law of administrative procedure of the European Union as soon as possible, in accordance with the European Parliament's recommendations of 15 January 2013;
65. Believes that a lobby register is a useful transparency instrument; calls on Member States to adopt this tool where it does not already exist; further encourages governments and public administrations to make registration in a lobby register a precondition for a meeting with a business-, interest-, or lobby-organisation;
66. Points out that self-regulation as the normal mechanism for dealing with corruption in sports and sports betting has not been effective; emphasises that governments on national, regional and local level are some of the biggest funders of sport, calls for Member States to establish transparent working relationships with the sporting community and present a full independent inquiry into corruption in sports commissioned by national governing bodies;



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67. Considers the complete transparency of all administrative acts at all levels in the public sector to be a cornerstone for combating criminal activities and protecting citizens from all forms of mismanagement of public affairs; rejects any form of resistance on the part of public authorities with regard to the full monitoring by citizens and the press of activities carried out using public money and in the interest of the community; believes that both the EU and individual Member States should make a tangible commitment to ensuring full transparency and developing forms of open government in an effective manner and on the basis of existing best practices;

68. Stresses that bribery should not be concealed by the abuse of the term 'facilitation payments', which the OECD Convention considers acceptable under certain, specific circumstances (small payments, e.g. to get permission to unload goods in a port); calls on the Member States to agree to reject this notion, or to use it only in extreme situations, and calls on the drawing up of guidelines interpreting the notion in a uniform manner throughout the EU; underlines that neither bribes, nor facilitation payments can be tax-deductible;

69. Supports the implementation of regular audits on adherence to integrity-related rules/codes of conduct, and the allocation of sufficient resources to the integrity-related training of civil servants;

#### ***In support of more accountable politics***

70. Points out that political parties are responsible for proposing candidates or drawing up election lists at all levels and have to gauge the calibre of candidates, not least by requiring them to comply with strict codes of ethics, including a code of conduct which should also cover clear and transparent rules on donations to political parties;

71. Maintains that persons should be ineligible for membership of the European Parliament or service for other EU institutions and agencies if they have been convicted by final judgment of participation in organised crime, money laundering, corruption, or other serious economic or financial offences against the public interest; calls for a similar principle to be laid down, with due regard for the principle of proportionality, for the national parliaments and other elective offices;

72. Recommends that Member States introduce and effectively apply, as an element of the sanctions system, instances of ineligibility for those convicted of corruption; considers that this penalty should apply for at least five years in order to cover all types of election; also recommends that the same period of disqualification should apply to government posts at every level, including EU level;

73. Recommends that persons should be required to forfeit political office (governmental or the like) or management and administrative positions once they have been convicted of organised crime-related, corruption-related or money-laundering offences;

74. Recognises that immunities enjoyed by certain categories of public office holders and elected representatives are a major obstacle to combating corruption; calls on the Commission and Member States to significantly reduce the categories of those benefitting from immunity;

75. Calls for codes of ethics to be laid down for political parties and for greater transparency to be brought to bear on their budgets; proposes that public funding for parties be better controlled and that abuse and waste be avoided, with private funding also being better monitored and controlled, in order to ensure the accountability of political parties and their donors;

76. Calls on the Member States to outlaw and sanction vote-buying, stipulating in particular that the benefits arising from a 'promise to vote' can take the form not only of money, but also of other advantages, including intangible advantages and those accorded to third parties not directly implicated in the illicit agreement;

77. Considers the publication of MEPs' incomes and financial interests to be a good practice which should be extended to national parliamentarians and elected representatives;

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***In support of more credible criminal justice***

78. Recommends that the Member States establish effective, efficient, accountable and balanced criminal justice systems which can also guarantee the preservation of defence rights in accordance with the European Charter of Fundamental Rights; also recommends that a monitoring mechanism on the efficiency of criminal justice systems in fighting corruption be created at the European level, carrying out regular evaluations and publishing recommendations;

79. Encourages the Commission and the Member States also to consider non-legislative measures that consolidate trust among the different legal systems in the Member States, enhance coherence and encourage the development of a common EU legal culture in relation to fighting crime;

80. Invites the Commission to come forward with a legislative proposal setting out the legal liability of legal persons in cases of financial crime and in particular the liability of holdings and parent companies for their subsidiaries; stresses that this proposal should clarify the liability of natural persons for crimes committed by the company, or its subsidiaries, for which they can be held partially or wholly responsible;

81. Believes that approximation measures on corruption should address the differences in statutes of limitations among Member States, with a view to taking account of both defence needs and the need for effective and efficient prosecution and conviction, and that such statutes of limitations should be organised according to the stages of the proceedings or the instance involved, so that a crime could be barred only if the stage or step in question had not been completed within a given defined time-frame; also believes that, subject to the principle of proportionality and the rule of law, corruption cases should not be time-barred as long as criminal proceedings are effectively under way;

82. Believes that measures to combat organised crime should be based on a combination of effective dissuasive systems for the confiscation of criminal assets, efforts to ensure that fugitives who deliberately elude inquiries will be brought to justice, and preventing imprisoned bosses of criminal groups, without prejudice to the basic principles relating to prisoners' rights, from continuing to run their organisation and give orders to members even though they themselves are in prison;

83. Encourages Member States to lay down dissuasive and effective penalties, both criminal sentences and fines, including large fines, for all types of serious offences that harm citizens' health and security, and recommends the harmonisation of penalties;

84. Points out, without prejudice to paragraph 80, the importance of the prevention of crime and organised crime, and urges the Member States to develop and to introduce effective legal instruments and punishments offering an alternative to imprisonment, such as fines or community service, in cases where this is permitted and taking account of all the circumstances, including the non-serious nature of the offence;

***In support of more honest business practices***

85. Urges businesses to practise self-regulation and transparency through codes of conduct and to introduce oversight procedures, including internal or external audit and public registers of lobbyists working within the institutions, in order to avoid corruption, collusion and conflicts of interest between the public and private sectors and prevent unfair competition; also recommends transparency on areas, targets and financial information, at both national and EU level;

86. Calls for the creation of lists of companies accredited to public authorities and lists of those that have to be excluded; believes that the latter would apply where companies have shown significant deficiencies in contractual requirements or there is a conflict of interest, whether in the Member States or at EU level;

87. Calls on the Member States to strengthen the role of chambers of commerce by preventing, providing information on, and curbing the most frequent money-laundering risks in the business world, and to fully implement the Commission's Action Plan to strengthen the fight against tax fraud and tax evasion;

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88. Recalls that investigative journalism, as well as NGOs and the academia working on issues related to the operations of the public administration and of corporate undertakings, perform a key benign function in identifying instances of fraud, corruption or other mischief;

89. Calls on businesses to: ensure the implementation of internal procurement guidelines to ensure compliance with the law and maximum transparency in bidding processes for public contracts; avoid dealing with contractors and suppliers known or reasonably suspected to be paying bribes; exercise due diligence, as appropriate, in evaluating prospective contractors and suppliers to ensure that they have effective anti-bribery programmes; make known anti-bribery policies to contractors and suppliers; monitor significant contractors and suppliers as part of their regular review of relationships with them and have a right to termination in the event that the latter pay bribes or act in a manner inconsistent with the business's programme;

### ***In support of greater transparency in the banking system and the professions***

90. Calls for stepped-up cooperation with and greater transparency of the banking system and the professions, including the financial sector and the accounting professions, in all Member States and with non-EU countries, especially with a view to determining which IT tools and legislative and administrative measures might be used to ensure the traceability of financial flows and ascertain criminal activity and to laying down procedures for reporting such offences as might have occurred;

91. Calls on the Commission and the other supervisory authorities to ensure provision of customer due diligence measures and related risk profiles by banks, insurance companies, and credit institutions in order to ensure that corporate or legal entities in the Member States obtain and hold adequate, accurate and current information on their ultimate beneficial owners, including from offshore tax havens, and that business registers are regularly updated and monitored for quality; considers that transparency of information — also by means of publication of a country-by-country registry of real ownership and through crossborder cooperation — can contribute to combating phenomena such as money laundering, the financing of terrorism, tax fraud and tax avoidance;

92. Calls on Member States to introduce the concept of Beneficial Ownership in their business registries and to work towards the inclusion of this concept globally as well as mechanisms for information exchange;

93. Calls on the Commission to establish a common set of principles and administrative guidelines for the appropriate use of Transfer Pricing;

94. Fully support the Commission's proposal to explicitly mention tax crimes as predicate offences to money laundering, in line with the 2012 recommendation of the Financial Action Task Force-FATF; urges the EU to enhance the transparency of beneficial ownership information and anti-money laundering (AML) customer diligence procedures; favours an EU-wide harmonisation of the money-laundering offence and calls for full implementation of Financial Action Task Force (FATF) standards, through effective monitoring, proportional sanctions and based on credible safeguards;

95. Recommends the accurate assessment of the risks entailed in new banking and financial products where these allow anonymity or long-distance operations; calls, in addition, for a common definition of tax havens, since they are often used by criminal organisations for the issue of bonds by private companies or banks whose beneficial ownership is hard to ascertain;

96. Hopes that operational solutions will be found to ensure that, without infringing the regulations on the protection of personal data, financial and credit operators will be able to establish the identity of the party requesting a transaction, bearing in mind that fraud linked to identity theft is sometimes the prelude to money laundering; therefore welcomes the establishment of a banking union;

97. Recommends doing away with bank secrecy;

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***Ensuring that crime does not pay***

98. Calls on all stakeholders, public and private, to take resolute action to combat money laundering; calls for action to ensure full compliance with AML requirements by professionals, for instance in the form of systems for reporting suspicious transactions and codes of conduct for professional bodies and trade associations;

99. Points out the essential role of financial information units in guaranteeing high international standards in fighting money laundering; recognises the importance of the European instruments for the traceability of financial flows in order to combat threats such as cybercrime, money laundering and the financing of terrorism;

100. Recommends that measures be taken to identify and check gamblers on a systematic basis, ban the use of anonymous means of payment to settle bets placed online, and prevent anonymity in online gambling by enabling host servers to be identified and developing IT systems to ensure that any movements of money made through online and offline games will be fully traceable;

101. Welcomes the fact that the proposed scope of the Fourth Anti-Money Laundering Directive has been widened as regards gambling; calls on the Commission to propose a legislative framework and appropriate measures to combat money laundering linked to betting, in particular sports betting, specifying new offences such as betting-related match fixing and laying down penalties of appropriate severity and supporting monitoring arrangements involving sports federations, associations, online and offline operators and, where necessary, national authorities; urges sports organisations to establish a code of conduct for all staff with a clear prohibition on manipulating matches for betting or other purposes, a ban on gambling on own matches and an obligation to report awareness of match-fixing with an adequate whistleblower protection mechanism;

102. Notes that money laundering through organised sports betting is often the work of organised crime; calls on the Commission, therefore, to bring forward a legislative proposal setting out a common definition of corruption and fraud in sport; calls on the Member States not to authorise betting on matches without a sporting dimension, and to ban the riskiest forms of sports betting; also recommends that systems be put in place at national level for reporting suspicions of corruption in sport, along the lines of those set up for money laundering, with which operators of online and offline games and everyone working in the sports sector would be required to comply;

103. Emphasises that cooperation and information exchange between Member States, their regulatory bodies, Europol and Eurojust should be reinforced to combat criminal activities in cross-border online gambling activities;

104. Recognises that online gambling is an increasingly common way to launder money in which winnings are often tax free, the large volumes of transactions making dirty money very hard to detect and the numerous payment processors further complicating the system; calls for the establishment of a regulatory framework to combat money laundering through online gambling of all kinds;

105. Urges Member States to: include a harmonised definition of match fixing in criminal law and create a legal instrument as a tool for combating it; to stipulate sanctions relating to match fixing, including fines and confiscation, and to create a specialised unit for combating match fixing within law enforcement as a hub for communication and cooperation with the main stakeholders, with a view to further investigation, and referral to prosecution;

106. Calls for more cooperation at European level — coordinated by the Commission — to identify and prohibit online gambling operators engaged in match-fixing activities and other illegal activities;

107. Calls on the sport governing bodies, Member States and the European Commission to invest in awareness-raising campaigns about match-fixing for athletes about the legal consequences of this criminal offence and the harmful effects on the integrity of sports competitions;

108. Calls for the role and responsibilities of financial intelligence units in the Member States to be harmonised at a better level, for their powers to be increased and for the cooperation arrangement applying to them to be strengthened;

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109. Proposes that Member States should be coherent together in their sentencing and punishments and in prison systems and training of prison staff;

110. Recommends that a stronger Europe-wide supervisory role in relation to money laundering be conferred on the European Banking Authority, the European Securities and Markets Authority, the European Insurance and Occupational Pensions Authority, and the Single Supervisory Mechanism, not least with a view to establishing a genuine European banking union able to combat corruption and money laundering through effective action on the basis of harmonised rules on conflicts of interests and monitoring systems; insists that, in the meantime, supervisory capacities, expertise and incisiveness should be reinforced at the national level, with a view to closer cooperation between national authorities;

111. Calls for minimum standards of good governance in tax-related matters to be encouraged, in particular through joint initiatives by Member States regarding their relations with territories constituting tax havens, not least in order to facilitate access to proprietary information relating to any shell companies that might be based there; insists on the importance of the abovementioned Commission communication of 6 December 2012 regarding strengthening the link between EU anti-fraud policy and development, tax and trade policies;

112. Calls on the European Union to take effective measures in the international arena, for example at G8 and G20 meetings, to eradicate crimes linked to tax havens;

113. Stresses that the principles of taxation should be brought in line with the OECD recommendations in the report 'Addressing base erosion and profit shifting', so that the general principle of taxation is that taxation should take place where the economic activities generating income took place, the 'origin of wealth' principle;

114. Considers that the origin of wealth principle makes it easier for tax authorities to tax effectively and to avoid tax evasion; considers that a fair tax system is indispensable, especially in times of crisis, where the tax burden is shifted unfairly to small business and households, and that tax evasion is in part created by tax havens inside the EU;

115. Underlines that stepping up the fight against tax fraud and evasion is a vital key to promoting sustainable growth in the EU; stresses that reduced levels of fraud and evasion would strengthen the growth potential in the economy by making public finances healthier and by making enterprises compete on an honest and level playing field;

116. Calls on auditing firms and legal consultants to alert national tax authorities to any signs of aggressive tax planning of the audited or advised company;

117. Welcomes the Commission's commitment to promoting the automatic exchange of information; calls once more, however, for an internationally binding multilateral automatic tax-information exchange agreement, which should also cover trusts and foundations and include sanctions for non-cooperative jurisdictions and for financial institutions that operate with tax havens; urges the EU to adopt measures similar to the US Stop Tax Haven Abuse Act and to consider the possibility of withdrawing banking licences from financial institutions that operate with tax havens; calls on the Commission to propose a European black list of tax havens based on stringent criteria and to propose European sanction regimes in the event of non-compliance or enhanced cooperation, should an EU approach not be possible;

118. Calls on Member States and the European Parliament to reach agreement quickly on the EU directives concerning openness and accounting; calls for the scope of the Directives, in future, to be widened to cover all large undertakings, irrespective of sector;

119. Calls on the Commission to develop strong criteria concerning the substance of business to end the creation of shell companies or letterbox companies that aid the legal and illegal practises of tax avoidance and tax evasion;

120. Calls on the Commission to conduct an evaluation of the current tax treaties being in effect between member states and third countries that could be considered tax havens; also asks the Commission to submit proposals, including the revision of any such agreements, to address this issue; calls on the Commission to report its findings and its proposals to the European Parliament by the end of 2013 at the latest;

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### ***New technologies to fight organised crime***

121. Believes that European satellite earth observation systems could help to identify the routes of vessels secretly transporting, unloading, or trans-shipping illegal goods; calls, therefore, on the judicial authorities to step up the use of new technologies, including satellite observation, in this area, since these could contribute to combating the activities of organised crime;

122. Notes that global growth in the use of the internet has provided new opportunities for internet based crime, such as intellectual property theft, the sale and purchase of counterfeit products and identity theft, which threatens the economy, safety and health of European citizens;

123. Notes that education, awareness and public campaigns are essential in order to tackle the growing problem of Cybercrime; stresses that a lack of public awareness and skills strengthen the ability for organised crime groups to exploit the internet and its opportunities;

124. Welcomes the creation of Europol's European Cybercrime Centre (EC3) and encourages the further development of this agency, in particular in order to fight organized crime, also on a crossborder basis and in cooperation with third countries;

125. Stresses that there is an urgent need to develop of an agreed and precise concept of the term 'cybercrime' that could be applied to all Member States within the EU;

126. Encourages the promotion of research on the use of new technologies in various control systems used by Member States and facilitate their application; these could include for example the on line observation and recording of on-sight tax, customs and other kinds of controls by centralised anti-corruption units;

127. Encourages the creation of a uniform reporting system of all the fraud and corruption cases that are being prosecuted (with adequate protection of personal data and the presumption of innocence);

### ***Final recommendations***

128. Calls for a European Public Prosecutor's Office to be established as provided for in Article 86 TFEU, in particular to combat, investigate, prosecute and bring to judgement crimes affecting the EU's financial interests and serious offences of a crossborder nature; recommends that the future office should have an efficient and streamlined structure and should be given the task of coordinating and encouraging national authorities so as to make investigations more coherent through uniform procedural rules; considers it essential that the Commission should present a proposal before September 2013 clearly defining the structure of the European Public Prosecutor's Office, its accountability to the European Parliament and, in particular, its interaction with Europol, Eurojust, OLAF and the Fundamental Rights Agency, and that the EPPO should be supported by a clear procedural rights framework, with the offences over which it is to have authority being clearly defined;

129. Believes that Eurojust could continue to deal with the offences referred to in Article 83(1) TFEU and, where necessary, the complementary offences relating to the implementation of EU policies, as provided for in Article 83(2) TFEU, whilst ensuring democratic and fundamental rights accountability in its upcoming review;

130. Urges the Member States not to reduce the Union budget for short-term headline reasons but to provide additional funds for Europol, Eurojust, Frontex and the future EPPO, because their success has a multiplier effect on reducing losses of taxes to Member States;

131. Wishes to see an arrangement with Liechtenstein to fight cross-border crime;

132. Urges the Member States to transpose, as soon as possible, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime; calls on the Commission to ensure that the transposition into national law is completed correctly; urges Member States and the Commission to complete the Roadmap on the rights of suspects and persons accused of offences, including a directive on pre-trial detention;

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133. Calls for stronger punishment for participation in organised criminal groups and for offences connected with drug trafficking and trafficking in people and human organs;

134. Urges the Member States, as recommended by the UNCAC, to adopt legislative and other measures to establish as an offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income;

135. Expresses concern over the fact that even though a whole range of so-called emerging crimes, such as illegal waste trafficking, illegal trafficking in works of art and protected species, and goods counterfeiting, are extremely profitable for criminal organisations, have a particularly negative social, economic and environmental impact and are of a highly transnational nature, they are not included among 'Euro-crimes'; takes the view that these offences should be appropriately considered in the decisions taken at EU level and thus proposes that the Council, by virtue of its powers under Article 83(1) TFEU, adopt a decision to identify other areas of crime including those mentioned above;

136. Calls on the Commission, as soon as possible, to submit the legislative proposal on an effective European whistleblowers protection programme as far as crossborder corruption and corruption affecting the EU's financial interests are concerned and on the protection of witnesses and informers, in particular with a view to resolving the difficult conditions under which they may have to live, ranging from risks of retaliation to the breakdown of family ties or from being uprooted from their home territory to social and professional exclusion;

137. Takes the view that the handling of witnesses and management of protection programmes cannot be dependent on budget constraints, since it is a duty, which the national and EU authorities cannot disregard, to guarantee the security and safety of citizens, especially of those who have ruined their lives to stand by the government; calls on all Member States to take the necessary measures (legislative or otherwise) to guarantee that witnesses and their families are physically safe and have the right to carry on leading a dignified social, professional, family and economic life, with appropriate support from the institutions (including provision for the recruitment of witnesses to the civil service);

138. Calls on the Commission to implement, as soon as possible, all measures and instruments presented in the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'EU Strategy towards the Eradication of Trafficking in Human beings 2012-2016' (COM(2012)0286 final);

139. Calls on the Commission to submit a legislative proposal on Europol, as stipulated in Article 88(2) TFUE, with a view to improving Europol's operational efficiency and effectiveness in the field of combating serious and organised crime; underlines that the future reform of the agency should not hamper the unique role of CEPOL in the EU's training activities in the field of law enforcement;

140. Reminds all Member States to promptly transpose into their national legislation all existing EU and international legal instruments, to respond in particular to the many reminders issued by the Commission with regard to the correct transposition of the numerous existing Framework Decisions;

141. Stresses the need to promote a culture of legality and to increase citizens' knowledge of the mafia phenomenon; recognises in this regard the fundamental role played by cultural, recreational and sports associations in raising public awareness of the fight against organised crime and the promotion of lawfulness and justice;

142. Calls on the Commission to develop a European action plan against wildlife trafficking, highlighting clear deliverables, both internal and external to the EU, in order to reduce the illegal trade in wildlife species and body parts; calls on the Commission and Council to leverage their trade and development instruments to establish dedicated programmes, with substantial funding, 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 and HA-WEN, which aim to establish regional centres of expertise and provide models for cooperation against wildlife crime;

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143. Requests harmonised and severe sanctions for smuggling wild animals, and their body parts and rare plants and trees into the Union;

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144. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments, CEPOL, Europol, Eurojust, OLAF, the Council of Europe, the OECD, Interpol, UNODC, the World Bank, and the FATF.

P7\_TA(2013)0246

## Social housing in the European Union

**European Parliament resolution of 11 June 2013 on social housing in the European Union (2012/2293(INI))**

(2016/C 065/04)

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Article 3(3) thereof, and the Treaty on the Functioning of the European Union (TFEU), in particular Articles 9, 14, 148, 151, 153 and 160 thereof and Protocol 26 thereto, on services of general interest,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 34 and 36 thereof,
- having regard to Protocol 26 of the TFEU on services of general interest,
- having regard to the revised European Social Charter, in particular its Articles 30 (on the right to protection against poverty and social exclusion), 31 (on the right to housing) and 16 (on the right of the family to social, legal and economic protection),
- 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 Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area <sup>(1)</sup>,
- having regard to Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies <sup>(2)</sup>,
- having regard to Council Regulation (EU) No 1177/2011 of 8 November 2011 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure <sup>(3)</sup>,
- having regard to Regulation (EU) No 1174/2011 of the European Parliament and of the Council of 16 November 2011 on enforcement measures to correct excessive macroeconomic imbalances in the euro area <sup>(4)</sup>,
- having regard to Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances <sup>(5)</sup>,

<sup>(1)</sup> OJ L 306, 23.11.2011, p. 1.

<sup>(2)</sup> OJ L 306, 23.11.2011, p. 12.

<sup>(3)</sup> OJ L 306, 23.11.2011, p. 33.

<sup>(4)</sup> OJ L 306, 23.11.2011, p. 8.

<sup>(5)</sup> OJ L 306, 23.11.2011, p. 25.



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- having regard to Council Directive 2011/85/EU of 8 November 2011 on requirements for budgetary frameworks of the Member States <sup>(1)</sup>,
- having regard to the Commission Communication of 18 April 2012 entitled 'Towards a job-rich recovery' (COM(2012) 0173),
- having regard to the Commission Communication entitled 'The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion' (COM(2010)0758) and to the opinions of the European Economic and Social Committee and the Committee of the Regions, as well as its resolution of 15 November 2011 <sup>(2)</sup>, on the subject,
- having regard to Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 <sup>(3)</sup>,
- 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 and repealing Regulation (EC) No 1260/1999 <sup>(4)</sup>,
- having regard to Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999 <sup>(5)</sup>,
- having regard to the 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 and repealing Regulation (EC) No 1083/2006 (COM(2011)0615),
- having regard to the proposal for a regulation of the European Parliament and of 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 26 November 2008 entitled 'A European Economic Recovery Plan' (COM(2008)0800),
- having regard to Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC <sup>(6)</sup>, and to its resolution of 15 December 2010 on revision of the Energy Efficiency Action Plan <sup>(7)</sup>,
- having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(8)</sup>,
- having regard to the Commission Communication of 23 March 2011 entitled 'Reform of the EU State Aid Rules on Services of General Economic Interest' (COM(2011)0146) and to its resolution of 15 November 2011 on the subject <sup>(9)</sup>,
- having regard to the Commission communication entitled 'Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union' (COM(2010)0573),
- having regard to the Commission Communication entitled 'An EU Framework for National Roma Integration Strategies up to 2020' (COM(2011)0173),

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<sup>(1)</sup> OJ L 306, 23.11.2011, p. 41.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0495.

<sup>(3)</sup> OJ L 210, 31.7.2006, p. 12.

<sup>(4)</sup> OJ L 210, 31.7.2006, p. 25.

<sup>(5)</sup> OJ L 210, 31.7.2006, p. 1.

<sup>(6)</sup> OJ L 315, 14.11.2012, p. 1.

<sup>(7)</sup> OJ C 169 E, 15.6.2012, p. 66.

<sup>(8)</sup> OJ L 347, 11.12.2006, p. 1.

<sup>(9)</sup> Texts adopted, P7\_TA(2011)0494.

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- having regard to the Commission Guidelines of 15 May 2012 on best practice to limit, mitigate or compensate soil sealing (SWD(2012)0101),
- having regard to the Commission's Employment and Social Developments in Europe Review 2012 of 8 January 2013 <sup>(1)</sup>,
- having regard to the Commission Social Investment Package of 20 February 2013,
- having regard to the European statistics on income and living conditions (EU-SILC) survey and to Eurostat's news release of 8 February 2012 <sup>(2)</sup>,
- having regard to the European statistics set out in the Third European Quality of Life Survey, in particular Chapter 6 thereof <sup>(3)</sup>,
- having regard to the Eurofound report on Household debts advisory services in the European Union <sup>(4)</sup>,
- having regard to the Eurofound report on Living conditions of the Roma: Substandard housing and health <sup>(5)</sup>,
- having regard to the Commission Decision of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest <sup>(6)</sup>,
- having regard to the judgment of the Court of Justice of the European Union of 14 March 2013 in Case C-415/11 (Mohamed Aziz) protecting mortgage consumers against banks in case of abusive contracts conditions <sup>(7)</sup>,
- having regard to Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010) <sup>(8)</sup>,
- having regard to the Council Declaration of 6 December 2010 entitled 'The European Year for Combating Poverty and Social Exclusion: working together to fight poverty in 2010 and beyond' <sup>(9)</sup>,
- having regard to the Social Protection Committee (SPC) report of 18 February 2011 entitled 'Assessment of the social dimension of the Europe 2020 Strategy' <sup>(10)</sup>,
- having regard to the Commission staff working document of 5 February 2010 entitled 'Joint Report on Social Protection and Social Inclusion' (SEC(2010)0098),
- having regard to the SPC report of 15 February 2010 entitled 'Joint Report on Social Protection and Social Inclusion 2010' <sup>(11)</sup>,
- having regard to the European Economic and Social Committee opinion entitled 'Issues with defining social housing as a service of general economic interest' <sup>(12)</sup>,

<sup>(1)</sup> <http://ec.europa.eu/social/main.jsp?catId=738&largId=en&pubId=7315>.

<sup>(2)</sup> [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-08022012-BP/EN/3-08022012-BP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-08022012-BP/EN/3-08022012-BP-EN.PDF).

<sup>(3)</sup> <http://www.eurofound.europa.eu/publications/htmlfiles/ef1264.htm>.

<sup>(4)</sup> <http://www.eurofound.europa.eu/pubdocs/2011/891/en/1/EF11891EN.pdf>.

<sup>(5)</sup> <http://www.eurofound.europa.eu/pubdocs/2012/02/en/1/EF120EN.pdf>.

<sup>(6)</sup> OJ L 7, 11.1.2012, p. 3.

<sup>(7)</sup> <http://curia.europa.eu/juris/document/document.jsf?text=&docid=135024&pageIndex=0&doclang=en&mode=lst&dir=&occ=-first&part=1&cid=1202581>.

<sup>(8)</sup> OJ L 298, 7.11.2008, p. 20.

<sup>(9)</sup> Council of the EU, 3053rd Employment, Social Policy, Health and Consumer Affairs Council meeting, Brussels, 6 December 2010.

<sup>(10)</sup> Report of the Social Protection Committee to the Council, Council of the EU, 6624/11 ADD 1 SOC 135 ECOFIN 76 SAN 30, 18 February 2011.

<sup>(11)</sup> Report of the Social Protection Committee to the Council, Council of the EU, 6500/10 SOC 115 ECOFIN 101, FSTR 8 EDUC 31 SAN 31, 15 February 2010.

<sup>(12)</sup> EESC, 597/2012-TEN/484, 13 December 2012.

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- having regard to the Committee of the Regions opinion entitled ‘Towards a European Agenda for Social Housing’ <sup>(1)</sup>,
  - having regard to its resolution of 20 November 2012 on the Social Investment Pact as a response to the crisis <sup>(2)</sup>,
  - having regard to its resolution of 16 June 2010 on EU 2020 <sup>(3)</sup>,
  - 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 <sup>(4)</sup>,
  - having regard to its legislative resolution of 8 September 2010 on the proposal for a Council decision on guidelines for the employment policies of the Member States: Part II of the Europe 2020 Integrated Guidelines <sup>(5)</sup>,
  - having regard to its resolution of 20 October 2010 on the financial, economic and social crisis: recommendations concerning the measures and initiatives to be taken <sup>(6)</sup>,
  - having regard to its resolution of 5 July 2011 on the future of Social Services of General Interest <sup>(7)</sup>,
  - having regard to its resolution of 10 May 2007 on housing and regional policy <sup>(8)</sup>,
  - having regard to its resolution of 14 September 2011 on an EU Homelessness Strategy <sup>(9)</sup>,
  - having regard to its written declarations of 22 April 2008 on ending street homelessness <sup>(10)</sup> and of 16 December 2010 on an EU homelessness strategy <sup>(11)</sup>,
  - having regard to the Eurofound Third European Quality of Life Survey — Quality of life in Europe: Impacts of the crisis <sup>(12)</sup>,
  - having regard to the final recommendations of the European Consensus Conference on Homelessness of 9 and 10 December 2010,
  - 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 opinions of the Committee on Regional Development and the Committee on Women’s Rights and Gender Equality (A7-0155/2013),
- A. whereas access to housing is a fundamental right that can be seen as a precondition to the exercise of, and to access to, other fundamental rights and to a life in conditions of human dignity; and whereas guaranteeing access to decent and adequate housing is an international obligation incumbent on the Member States, to which the Union must have regard, given that the right of access to housing and to housing assistance is recognised in Article 34 of the Charter of Fundamental Rights of the European Union, Articles 30 and 31 of the revised European Social Charter adopted by the Council of Europe and Article 25 of the Universal Declaration of Human rights, as well as in many Member States constitutions;
- B. whereas national, regional and local authorities in the Member States have a right, as well as a duty, to define their own housing policy and to take the steps required to ensure that this fundamental right is upheld on their respective housing markets, in accordance with the needs of their inhabitants, with the aim of providing universal access to decent, affordable housing;

<sup>(1)</sup> CoR 71/2011 final, ECOS-V/014 <https://toad.cor.europa.eu/CORWorkInProgress.aspx>.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0419.

<sup>(3)</sup> OJ C 236 E, 12.8.2011, p. 57.

<sup>(4)</sup> OJ C 161 E, 31.5.2011, p. 120.

<sup>(5)</sup> OJ C 308 E, 20.10.2011, p. 116.

<sup>(6)</sup> OJ C 70 E, 8.3.2012, p. 19.

<sup>(7)</sup> OJ C 33 E, 5.2.2013, p. 65.

<sup>(8)</sup> OJ C 76 E, 27.3.2008, p. 124.

<sup>(9)</sup> OJ C 51 E, 22.2.2013, p. 101.

<sup>(10)</sup> OJ C 259 E, 29.10.2009, p. 19.

<sup>(11)</sup> OJ C 169 E, 15.6.2012, p. 139.

<sup>(12)</sup> <http://www.eurofound.europa.eu/publications/htmlFiles/eFI264.htm>.

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- C. whereas affordable, adequate and secure accommodation is a suitable tool for achieving social justice and cohesion, and investment in affordable housing is a precondition for enhanced labour mobility and increased employment opportunities, while the construction and renovation of social housing is crucial for achieving the targets of meeting the housing demand, providing for affordable housing for broad levels of the population, boosting economies, keep property bubbles in check, combat energy poverty and ensuring tax income of Member States;
- D. whereas the Member States, in line with the principle of subsidiarity, have an essential role to play, and a wide discretion, in providing, commissioning and organising the provision of social housing in parallel with, and in addition to, the unplanned, market-based housing supply; whereas the provision of social housing should fulfil a high level of quality, safety and affordability, and promote equal treatment and user rights;
- E. whereas there is a shortage of social housing facilities, and an increasing need of affordable housing, in most EU Member States; whereas the social and family profiles of people using social housing has changed; whereas these new social factors should be identified so that the Member States, and their respective local and regional authorities, can define a range of housing strategies that more closely match actual circumstances;
- F. whereas social housing policy is an integral part of services of general economic interest by helping to meet housing needs, facilitate access to property, promote the quality of living space, improve existing living space and adapt housing expenditure to the family situation and resources of the occupiers, while leaving scope for effort on their part;
- G. whereas social housing should be characterised by a good relationship between quality and purchase price or rent, permit energy savings, be located in an environment which includes green spaces, and be suitable for different generations, with account taken of the specific needs of children and older persons;
- H. whereas, in order to prevent both increases in the number of homeless and future housing crises, mortgage rules must be designed to protect consumers and to spread risks fairly;
- I. whereas social housing plays a key part in the achievement of the objectives of the Europe 2020 strategy — in particular its poverty target, including the prevention of the intergenerational transmission of disadvantage — in that it contributes to ensuring high levels of employment, inclusion and social cohesion, to promoting job mobility and to combating both climate change and energy poverty by modernising the housing stock;
- J. whereas the conjunction of the financial and economic crisis, austerity measures, rising housing prices and falling households' revenues have increased unemployment and social exclusion within the EU, especially among the most vulnerable groups of people, thereby increasing the burden on welfare services; takes note that, notwithstanding its significant stabilising effect, public funding for social housing has in some Member States fallen victim to recent financial austerity measures;
- K. whereas the economic and social crisis is having a direct adverse impact on activity in, and financial support for, the house-building and refurbishment sector, with social housing being hit particularly hard, owing to the bursting of housing bubbles, the contraction of credit, late payments and a fall in new public-sector orders; whereas the construction sector can be a driving force in efforts to find a sustainable, inclusive way out of the crisis and to address climate- and energy-related challenges;
- L. whereas austerity and fiscal consolidation measures must go hand-in-hand with an overall strategy of investment in sustainable, inclusive growth in pursuit of the Europe 2020 objectives, including as regards combating poverty and social exclusion;

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- M. whereas housing is a basic necessity in respect of which Member States lay down, in line with their own policy choices, minimum standards of habitability and comfort, specific urban planning and construction rules and maximum income percentages, with some regulating house price increases and even establishing mechanisms for providing social assistance or tax support to help out with what is a leading item of household expenditure;
- N. whereas, in view of the severe economic, social and long-term impact of the crisis, not only on economic growth, employment rates and poverty and exclusion levels, but also on access to housing and on investment in social housing within the EU, urgent action on the part of Member States and the Union is required to guarantee access to decent and affordable housing; whereas, given that housing is the largest household expenditure item in Europe, the sharp rise in housing-related prices (land prices, purchase and rental prices and energy prices) is a cause of instability and anxiety, and must be seen as a major concern; whereas, given that unemployment has also shot up in the EU, as is illustrated by the fact that the average rate for the EU 27 rose to 10,9 % in January 2013, and given that, at the same time, Europe's population is ageing, there is a major risk of an increasing gap between rich and poor, social exclusion and homelessness, with 80 million Europeans already at risk of poverty;
- O. whereas the Roma tend to live in highly segregated areas where access to social and health services is problematic;
- P. whereas there are clear links between sub-standard housing and poor health: mortgage indebtedness is associated with worsening mental health; overcrowding is associated with psychological problems, tuberculosis, respiratory infections, increased chances of fire and domestic accidents; living in inadequate housing negatively affects health, safety and increases the chance of domestic accidents; living in a noisy area is associated with increased hypertension and higher blood pressure; whereas a lack of housing is a source of both stress and distress adversely affecting the quality of life, health and wellbeing;
- Q. whereas women — 24,5 % of whom were at risk of poverty or social exclusion in 2010, in particular women with low incomes, single mothers, women in poorly paid jobs, migrant women, widows with dependent children and women who are victims of domestic violence — as well as single-female-adult-headed families with children, young families, large families, students young people at the start of their careers, young unemployed couples, people with disabilities, people with physical or psychiatric illnesses, people from marginalised communities including Roma, and the elderly, are especially affected by the lack of affordable and adapted social housing options; whereas these categories are particularly vulnerable to homelessness and often move into sub-standard private market housing units, which substantially increases the risk of health problems; whereas these categories often seek alternative solutions by moving in with family, friends or acquaintances, thereby hindering proper analysis and transparent documentation of homeless people;
- R. whereas the economic crisis and high housing market prices combine to reduce women's ability to get divorced or end co-habitation, limiting their freedom and making them more vulnerable to gender-based domestic violence;
- S. whereas affordable rental housing is essential for young people in order to take up vocational training, university studies, internships or employment opportunities;
- T. whereas Member States also establish and organise a parallel supply of social housing to complement the supply generated by the private market; whereas this social housing is made available under specific conditions by not-for-profit agencies set up specifically for this purpose; whereas 25 million European households are in social housing, in respect of which local and regional planning requirements, access rules and prices are laid down directly by the public authorities in the Member States; whereas, owing to its stability and to the fact that prices are regulated, this parallel housing supply helps in particular to keep property market cycles and housing bubbles in check;

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### ***Promoting the social and economic role of social housing***

1. Notes that, as a result of the current economic and social crisis, on its own the market is increasingly incapable of meeting the need for affordable homes, in particular in densely populated urban areas, and that rising housing and energy costs are aggravating the risks of disease, poverty and social exclusion; notes the increase in several Member States in the number of evictions and properties seized by banks; urges that measures be taken in response to these challenges; is concerned about both the direct and the indirect impact of some austerity measures in the context of the current social and economic crisis — such as cuts in housing benefit and social services, the taxation of social housing providers, the cancellation of new housing projects and the selling off of parts of national social housing stocks — which could exacerbate a vicious circle of long-term social exclusion and segregation;
2. Recalls that, in combating child poverty, social housing policies play an important role through the eradication of family poverty and the prevention of the intergenerational transmission of socio-economical disadvantages; notes that, in the wake of the social and demographic changes in family structure and the increase in the number of unstable and precarious jobs, there is a greater need for affordable housing also for segments of the population that are socially integrated;
3. Urges compliance with Article 14 of and Protocol No 26 annexed to the TFEU, under which public authorities are free to determine how the social housing sector is organised and funded and what types of household are eligible, with a view to meeting the needs of the local population and to ensuring a high level of quality, safety, affordability, equal treatment and the promotion of user rights; sees the intervention of public authorities here as a response to the shortcomings of the market, with the aim of ensuring universal access to decent, affordable housing in accordance with Articles 16, 30 and 31 of the European Social Charter;

### ***Towards a European Social Housing Policy***

4. Reminds the Commission, the Member States and local and regional authorities that spending on social and affordable housing is in keeping with fundamental rights, enables urgent social needs to be met and, as strategic social investment, helps in a sustainable way to provide local jobs that cannot be 'off-shored', stabilise the economy by reducing the risk of property bubbles and household over-indebtedness, promote labour mobility, counter climate change, combat energy poverty and alleviate health problems stemming from overcrowding and poor living conditions; insists, therefore, that social housing should not be considered a cost to be cut but an investment that pays off in the long term through better health and social well-being, access to the labour market and the empowerment of people, especially the aged, to live independent lives;
5. Calls on the Commission to set out a European social housing action framework for housing policy in such a way as to ensure consistency between the various policy instruments the EU uses to address this issue (State aid, structural funding, energy policy, action to combat poverty and social exclusion, health policy);
6. Asks the Commission — on the basis of an exchange of best practices and experience between the Member States, and taking into account the fact that social housing is conceived and managed in different ways (often due to flexibility in establishing priorities) in the Member States, regions and local communities — to clarify the definition of social housing;
7. Points out that social housing investment forms part of broader policy efforts to organise and fund public social, health and education services with a view to ensuring that basic social rights may be enjoyed and that they respond to new social needs and cyclical economic changes;
8. Emphasises the need to monitor social investment as part of a 'social investment pact' modelled on the Euro Plus Pact and designed to strengthen the Union's economic and budgetary governance and including investment in social housing; emphasises as well the need for social investment targets for the Member States to meet with a view to attaining the social, employment and education objectives laid down under the Europe 2020 strategy; welcomes the conclusions of the

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December 2012 European Council meeting which stress that 'the possibilities offered by the EU's existing fiscal framework to balance productive public investment needs with fiscal discipline objectives can be exploited in the preventive arm of the Stability and Growth Pact', thus bearing out the validity of this proposal; calls on the Commission to monitor social investment more closely, using a scoreboard based on indicators of investment at Member-State and EU level, which, in connection with social housing investment, takes account of changes in housing costs and in the number of people waiting to be allocated housing in the Member States; further calls on all Member States to ratify the revised European Social Charter, with special regard to Article 31;

9. Takes the view that residents' and tenants' organisations should be involved in defining the housing strategies to be implemented by the Member States;

10. Emphasises the need for social innovation to be supported both by the European platform against poverty and social exclusion and by the research Framework Programme in order to analyse new policies aiming to improve access to housing and reduce homelessness;

11. Welcomes the proposal for a directive of the European Parliament and the Council of 31 March 2011 (COM(2011) 0142) seeking to impose restrictions on credit agreements relating to residential property and hence contain excessive household debt; calls for EU mortgage provisions to incorporate best practices which are as favourable as possible to consumers; urges the inclusion of procedures for the renegotiation and rescheduling of debt repayments for insolvent individuals and families; calls on the Member States to prevent evicted households being forced to keep up their mortgage repayments; calls on the Commission and the Member States to take action in response to the social hardship caused to those most affected by the economic crisis and by unemployment and who are being evicted and deprived of their homes; notes that this is occurring against a backdrop of major public assistance initiatives designed to put the financial system back on a sound footing; calls on the Member States to strive to offer alternatives solutions to evictions;

12. Calls on the Commission to warn the Member States, in its country-specific recommendations, when reforms are likely to threaten investment in social or affordable housing, and not to issue recommendations regarding the size of the social housing sector in individual Member States; criticises the fact that, as part of fiscal consolidation programmes and in line with specific recommendations made by the Commission on housing market action, some Member States are squeezing capacity in the sector by taxing social housing providers; is concerned, furthermore, about the restrictive definition of social housing given by the Commission within the field of competition policy, which only targets disadvantaged groups;

13. Calls on the Council to convene a meeting of the housing ministers of the Member States at least once a year to discuss the impact of various EU policies on housing policy and ensure that the economic, social and environmental aspects of the housing sector are mainstreamed more efficiently at EU level, with the involvement of stakeholders such as social housing bodies, associations representing occupants and associations seeking to facilitate access to housing;

14. Notes that a definition of social housing and of the beneficiaries should be the result of a democratic discussion process in order that the different traditions of the Member States may be taken into account;

15. Calls on the Commission and Member States to give greater importance to housing and related services under the Social Protection and Social Inclusion Strategy, including through measures to alleviate homelessness and reduce housing exclusion on the basis of joint national indicators to and encourage exchanges of good practice in effectively implementing the right to housing;

16. Urges the Member States to redouble their efforts to include social housing investment in their medium- and long-term budgetary objectives, in their national reform programmes and in the strategic axes of the 2014-2020 Partnership Contract; calls on the European Council and the Commission to monitor more effectively the implementation and achievement of the social objectives of the Europe 2020 strategy;

17. Notes that housing policies and programmes need to be developed in consultation with women with low incomes and from different social backgrounds in order to see which policies best reflect women's needs;

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***Encouraging investment to boost local employment and the green economy***

18. Emphasises how the housing sector and, in particular the social housing sector, plays a contracyclical economic role through the reduction of energy dependency, support for the construction and renovation industries and, thereby, for sustainable local employment that cannot be 'off-shored', thanks notably to the labour-intensive nature of the sector, the development of green-economy segments as part of the local economy, and the knock-on effects on the rest of the economy; believes, therefore, that investment in social housing should be considered not only as an expenditure but also as a productive investment; further encourages the Member States to start a dialogue with the construction industry in order to develop a better business environment for, and better regulation of, social housing, with special regard to the establishment of residential building targets, the arrangement of infrastructural costs and supply of development land;

19. Highlights the added value in terms of local employment and the considerable leverage effect on investment resulting from the direct impact of the Structural Funds in the social housing sector in the period 2007-2013;

20. Takes the view that the amounts to be allocated to the Cohesion Funds under the Multiannual Financial Framework (MFF) for 2014-2020 should not be less than the amounts under the current MFF, so that adequate funding is guaranteed for the European Regional Development Fund (ERDF), in particular the investment priority 'promoting social inclusion and combating poverty — support for physical and economic regeneration of deprived urban and rural communities';

21. Recognises that many Member States have already put in place effective social housing policies, and believes that the role of the EU in this context should be to facilitate the exchange of best practice across the Member States;

22. Takes note of the Commission's proposals for the legislative package of regulations on 2014-2020 Cohesion Policy; advocates making priority investment in energy efficiency and in the use of renewables in social and affordable housing, as well as integrated projects for sustainable urban and territorial development, equal access to housing for marginalised communities, and the promotion of social and solidarity stakeholders such as not-for-profit housing cooperatives, enterprises, eligible for Structural and Cohesion Funds support;

23. Encourages the Member States and all the relevant bodies to give both investment in social and affordable housing and the strengthening of non-profit making housing sectors a prominent place in national reform programmes and in the shaping of strategic priorities under partnership agreements for the period 2014-2020, as well as to ensure that their respective national Roma inclusion strategies are reflected in the planned housing measures;

24. Calls on the Member States to make greater use of private law instruments — such as long lease arrangements — to facilitate the provision of social housing, obviating the need to purchase land for building purposes, and of continued individual ownership of social housing, by encouraging lessor usufruct arrangements;

25. Stresses that residential and commercial buildings account for 40 % of final energy consumption and total CO<sub>2</sub> emissions in Europe, and that environmentally sustainable building leads to a reduction in building costs and time, and a drastic reduction of the environmental impact and energy consumption and, accordingly, of housing-related management costs;

26. Supports an adequate budget for the 2014-2020 multiannual financial framework, identifying cohesion policy as a driver of recovery; supports the conclusions of the European Compact for Growth and Jobs regarding its call on the Member States to facilitate and speed up the reallocation of unused monies from the Structural Funds to energy efficiency and renewable energy projects during the 2007-2013 programming period; considers that the social housing sector should benefit from these reallocations;

27. Calls on the Member States, their managing authorities and the Commission to include housing stakeholders, residents' associations and associations for access to housing among their closest interlocutors for the drawing up, monitoring and assessment of partnership agreements and operational programmes; stresses the importance of new



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integrated development tools (Community-Led Local Development and Integrated Territorial Investment) for integrated housing strategies in which social housing organisations and occupants would figure prominently; believes that the Structural and Cohesion Funds must make effective use of both the partnership and the multi-level governance principles and that the Member States must be encouraged to cooperate with local and regional authorities to set priorities and determine how the funding should be used; considers that greater synergies between the Structural and Cohesion Funds could encourage the sustainable development of disadvantaged or rural areas, preventing their isolation and depopulation, thus avoiding the negative effects of social segregation and promoting heterogeneity, social cohesion and gender equality;

28. Calls on the Member States, in order to stimulate high-standard construction and renovation of social and affordable housing, to strengthen or develop specific financing mechanisms, as well as to encourage, in a coordinated manner, recourse to Horizon 2020 grants and the use of financial instruments and technical assistance programmes offered by the Structural Funds, the European Investment Bank (EIB), the European Bank for Reconstruction and Development, the Council of Europe Development Bank and the European Energy Efficiency Fund (EEEF); calls on the Member States, furthermore, to seek ways to apply the modified ERDF regulation in order to provide housing for marginalised communities;

29. Calls on the EIB, in close consultation with local and regional authorities, to place greater emphasis on the social and affordable housing sector when setting its investment priorities, in particular in those Member States which do not have a public housing bank, whilst relaxing the terms under which it grants loans; calls as well on the EIB to determine the scope for using project bonds as an instrument to finance social infrastructure, such as housing, taking into account the assessment of its pilot phase before extending it;

30. Urges the Member States to support the activities of housing cooperatives, which are a valuable tool for the affordable purchase of a first home; points out that cooperatives are also an effective tool for promoting urban regeneration initiatives, creating synergies with local communities and curbing the flight from towns and cities;

31. Asks the Commission to make other potential sources of financing available to Member States for the development and renovation of social housing stock as forms of social investment, as well as to encourage Member States and regional and local authorities to make effective use of available European funding, and to retain the reduced rates of VAT that apply to such investment, given the labour-intensive nature of the sector and its very limited impact on cross-border trade within the EU; urges that consideration be given to applying the same rates of VAT to social housing as to basic necessities; encourages Member States to mobilise private savings in order to both facilitate access to land and encourage the construction and renovation of social housing;

32. Calls for the implementation of integrated cooperation models which bring together project managers, social housing providers and construction firms in order to promote the thermal renovation of social housing and the construction of low-energy social housing;

33. Welcomes the Commission communication of 31 July 2012 on a strategy for the sustainable competitiveness of the construction sector and its enterprises (COM(2012)0433); takes the view that, in addition to tax incentives and financial support to boost the competitiveness of and innovation in this sector, measures to improve workforce skill levels are essential if we are to meet the challenges linked to the creation of a resource-efficient Europe and a low-carbon economy, and achieve the objectives set in the directives on energy efficiency (2012/27/EU) <sup>(1)</sup> and on the energy performance of buildings (2010/31/EU) <sup>(2)</sup>;

34. Calls on the Commission to work more closely with the Member States and the relevant local authorities with a view to drawing up medium- and long-term forecasts of the skills needed by the labour market; calls on the relevant stakeholders to monitor employment trends with a view to making basic vocational training and lifelong learning more relevant; calls on

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<sup>(1)</sup> OJ L 315, 14.11.2012, p. 1.

<sup>(2)</sup> OJ L 153, 18.6.2010, p. 13.

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the Member States and the relevant local authorities swiftly to adapt their education and vocational training systems, including vocational education and training, incorporating the concept of the sustainable economy, and to ensure access to skills development programmes so as to make it easier for young people to gain access to new 'green' jobs and 'green' industries; points out that the promotion of green jobs can create quality and sustainable employment opportunities, tackle poverty and social exclusion, as well as ensure supportive employment services;

35. Notes that the 'green' sector can provide a plurality of different employment opportunities, ranging from entry level and less skilled jobs to highly skilled knowledge sector employment; in this regard:

- notes the important role of SMEs in providing such employment in the green economy, and highlights the potential for SMEs in offering work training, apprenticeships and local outreach schemes, which can provide employment opportunities to socially disadvantaged individuals;
- calls on the Member States to assess the feasibility of transition funds to manage skills needs;
- calls on the Commission to incorporate into the framework for lifelong learning a ninth key competence relating to the environment, climate change and sustainable development;
- calls on the Member States and local and regional authorities to draw on the European Social Fund (ESF) in order to invest in skills, employment, training and vocational retraining, and in particular in 'green' professions, such as the thermal renovation of buildings;
- calls on the Member States to support the emergence of individuals and bodies which have the skills to address both the social and technical aspects of energy saving, such as the members of the professions which provide an interface between the social and the technical, and efforts to train members of technical professions to take a more social approach to the issue of energy efficiency and vice versa;

36. Welcomes the Social Investment Package with which the Commission offers Member States guidelines to pursue more efficient and effective social policies aimed at growth and cohesion;

37. Notes that these investments in social housing are part of broader-based policies to organise and finance the provision of public social and health services and education services, in an effort to enable people to exercise their fundamental social rights and to meet changing social needs;

### ***Combating poverty and promoting inclusion and social cohesion***

38. Points out that acknowledging and implementing the right to housing affect the implementation of other fundamental rights, including political and social rights; points out that it is the Member State or public authority concerned which is responsible for making this right to housing a reality by improving, through its policies and programmes, universal access to housing, in particular for disadvantaged persons, by providing sufficient adequate, decent, healthy and affordable housing;

39. Calls on the Agency for Fundamental Rights to conduct a study assessing how effectively and under what conditions the right to housing and housing assistance is implemented in the Member States, involving relevant stakeholders in the process; calls on the agency to promote the exchange of best practices in the effective implementation of the right to housing for particularly vulnerable groups, including the homeless; calls on the Commission to follow such activities within the Social Investment Package;

40. Calls on the Member States and the Commission to support and promote innovatory exchanges of good practices in upholding the right to housing for particularly vulnerable and marginalised groups, with special regard to combating domestic violence; notes with regret that victims of domestic violence are often more likely to remain in an abusive environment if they are financially unable to find suitable housing; invites the Member States to provide integrated social services for families victims of domestic violence;

41. Expects the Commission to examine to what extent direct support by housing allowances, or indirect support by social housing itself, is a more effective measure to provide affordable housing for social groups who cannot cover their housing needs on the housing market;

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42. Calls on the Commission and the Eurofound Agency to carry out a study in 2014, as part of the agency's 2014 programme of work, into the cost of failing to do anything about inadequate housing;

43. Notes with concern the fact that many Member States, faced with budgetary imbalances, are suspending operations, programmes and actions (rent and mortgage subsidies, for example) designed to facilitate home acquisition, while, at the same time, disproportionately increasing property taxes in the midst of an acute economic crisis, leaving many sections of society prey to poverty and deprivation;

44. Calls on the Member States to carry out social impact analyses, with an emphasis on gender-based and household-based analyses, as part of all social housing policies and programmes, with particular account taken of gender disparity in income and financial resources; stresses that all statistical data must be broken down by gender and household types, and that more research is needed in order to ascertain exactly how housing policies can support individuals and groups in a vulnerable situation, such as women (bearing in mind women's multifaceted role as single parents and as carers for family members and for disabled persons), families, young people, people with disabilities and the elderly;

45. Recommends that the Member States and their local and regional authorities draw up integrated policies for promoting social inclusion as well as for guaranteeing universal access to decent, healthy and affordable housing; suggests that these policies include the following measures:

- specific support for good-quality and healthy social and 'very social' housing, in particular by setting minimum quotas of social housing where it is relevant, such as areas with high population density where demand is highest, which would encourage diversity;
- the establishment of clear, minimum housing quality standards, particularly for social housing;
- linkages between social housing expansion programmes and policies for access to other essential public services and services of general interest, such as the construction of public social and healthcare, cultural and sport facilities (as part of a local integrated strategy), and for retaining urban sprawl in line with the Commission guidelines to achieve the objective of zero net land take by 2050;
- steps to address the difficulties commonly encountered by highly vulnerable sections of the population, such as migrants and young people, in seeking access to decent housing;
- schemes reinforcing security of tenure;
- the preparation of specific programmes for the homeless based on assessments of the local situation, taking into account the European Typology of Homelessness and Housing Exclusion (ETHOS) model to measure the extent of housing-related social exclusion, linked to social support measures as well as adapted to women's specific situation and needs, placing particular emphasis on housing and longer-term assistance for vulnerable persons and marginalised communities, rather than only on the provision of temporary accommodation;
- the promotion and funding of self-building programmes;

46. Calls on the Member States to ensure that all citizens can afford housing by basing rent increases on an objective system ensuring moderate increases in property prices and by adapting tax policy to limit speculation;

47. Calls on the Commission to implement without delay Parliament's resolution on an EU Homelessness Strategy;

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48. Stresses that the different facets of homelessness among women must be addressed in a holistic way and should form an integral part of all EU policy frameworks; urges the Commission and the Member States to carry out systematic gender impact assessments, monitor the specific situation and needs of homeless women, promote assisted living environment projects and the construction of affordable, adapted and energy efficient housing, and include middle class families — who are often excluded from such schemes — in social housing programmes as they, like other households, can suffer from material deprivation due to the economic crisis;

49. Calls for the implementation of integrated cooperation models which bring together social and health services, support services for disadvantaged persons and social housing providers and relevant associations as part of their efforts to help vulnerable persons who are looking for or already have accommodation;

50. Calls on the Commission, the Member States and the relevant authorities to earmark structural funding for housing and accommodation for marginalised communities, in particular in the social housing sector, by including this as a priority in their operational programmes; urges, therefore, the Commission and the Agency for Fundamental Rights to step up exchanges of good practice between local authorities on the basis of common and transparent criteria;

51. Recommends that the Member States and their relevant authorities invest in the construction and refurbishment of affordable social housing in order to address the issues of dilapidated housing and the attendant health risks, diverse family structures, the ageing population, dependent elderly people who choose to remain in their own homes, the specific needs of disabled persons and of young people, particularly in terms of housing and professional mobility; recommends that structural funding be used for these purposes under the next programming period (2014-2020); takes the view that social support measures as regards access to housing contribute to the creation of 'white jobs', which are essential if we are to meet current and future social challenges, such as the ageing population; stresses the positive role that the European Social Entrepreneurship Funds could play as regards social support and integration-through-housing projects;

52. Calls on the Member States and their local and regional authorities to implement effective incentive measures, on the basis of forecasts of housing needs, in order to combat the phenomenon of housing remaining unoccupied in the long term, particularly in problem areas, with a view to tackling property speculation and to converting these properties into social housing;

53. Stresses the importance of a housing health and safety rating system which provides a health-based assessment of housing-related hazards;

54. Invites the Member States and the relevant authorities to simplify the process of applying for social housing and to make the allocation of homes more fair, transparent and impartial, according to the specific social, economic and cultural circumstances of each Member State, with a view to eliminating discrimination and to preventing any 'avoidance effect' for particularly vulnerable groups, a phenomenon which has the effect of aggravating residential spatial segregation and creating ghettos; draws attention, in this regard, to the pertinence of arrangements employed in some Member States, such as a list of legally defined, precise and transparent allocation criteria to encourage a social mix, anonymised applications for social housing, the advertising of vacant properties, the introduction of rating systems for housing applications, clear separation between the bodies which determine the criteria and those which allocate housing, and appropriate governance arrangements for the allocation of housing in order to promote broad based social mixing;

55. Highlights the challenges related to the ageing of the population and the need to provide access to adequate, decent and accessible housing for the growing number of older people in the EU; notes the growing impoverishment of the elderly in all the Member States, and, accordingly, seeks the inclusion in the new European Innovation Partnership (EIP) on active and healthy ageing, which coordinates research in this area, of affordable measures specifically designed to ensure that the elderly are allowed to stay in their homes as long as possible; notes, in this connection, that action to improve current housing accessibility is a relevant way of reducing social exclusion through measures to enhance their independence; calls,

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therefore, on the Member States to include in their national reforms a specific strand devoted to developing affordable solutions to enable older people to remain in their own homes for as long as possible, taking into account that improving conditions for access to the existing housing stock is desirable, helping people to remain in their places of residence and making it easier for them to regain a social life by boosting their personal independence;

56. Points out that social housing should be structured to avoid both gentrification and ghettoisation; calls for financial incentives, where it is relevant, that aim to develop common and mixed private and social housing space to avoid social segregation;

57. Attaches particular importance to the European Union's efforts to support disadvantaged social classes, particularly as regards the provision of housing, bearing in mind the existing social imbalances in Europe and notably in the countries which recently joined the EU;

58. Recommends that the Member States and the relevant authorities take steps to improve access to affordable housing by increasing the amount and quality of social and affordable housing stock and by developing its integration with community-based care and social services, utilising ESF and other structural funds to achieve this outcome;

59. Outlines that social housing should, when coordinated with effective community-based care and other social services, help to develop personal independent living capacity, assisting the socially vulnerable or disadvantaged to make the transition to a more independent lifestyle, with less reliance on welfare and greater personal autonomy;

60. Calls on the relevant public and private authorities systematically to include in the training systems for engineering, architecture, urban planning and construction modules on accessibility of the built environment and on 'Design for All';

61. Regrets the global trend to restrict the provision of social housing, and invites the Member States to include the often-excluded group of middle class families in social housing programmes as it may suffer as much from material deprivation as other households as a result of the economic crisis;

62. Regards the Union's commitment to integrated sustainable urban development, in particular to social housing, as an effective means of integrating problem areas into the surrounding urban environment and of tackling poverty and social exclusion; calls, therefore, on the Member States and the relevant authorities to make greater use of structural funds (ERDF, ESF), and of the EIB and other financial solutions, in an integrated way, and to facilitate coordination and synergies between them; takes the view that giving residents an appropriate role and greater decision-making power prior to and during the construction and renovation of social housing helps boost integration and social cohesion;

63. Calls on the Commission to carry out a study into the effectiveness of social impact investment models in the social housing sector, focusing on the potential benefits of the structural funds when used as financing instruments, and possibly when combined with other sources of funding, in order to boost social impact investments, such as through the creation of local job in the green economy, or jobs for young people, and through social inclusion through the provision of housing for marginalised groups;

64. Notes with regret that victims of domestic violence are often more likely to stay in an abusive environment if they are financially dependent on the abuser and thus unable to seek separate and suitable housing for themselves; calls, therefore, on the EU to promote gender-sensitive policies, programmes and funding aimed at increasing the availability of safe and affordable housing for victims of domestic violence, and calls on the Member States to find affordable solutions to alternative forms of emergency and temporary housing and to increase the number of shelters and rehabilitation centres for victims, as well as other related social services such as integrated services for families (i.e. family justice centres);

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65. Recalls that in 2009 there were seven times more single mothers than single fathers; takes the view, therefore, that single mothers — together with other vulnerable groups or individuals such as single parents, young families, large families, young people at the start of their professional careers, migrant women, people with disabilities and the elderly — should be given priority in the allocation of social housing; notes that when the economic crisis first began, it had a greater impact on men than on women, but that, as the crisis progressed, the unemployment rate of women has increased more than that of men;

### ***Combating energy poverty***

66. Is concerned at the growing incidence of energy poverty, which affects 50-125 million Europeans, and which is caused mainly by a combination of low household incomes, poor-quality heating and insulation and disproportionately high energy costs;

67. Calls on the Commission to adopt a Communication on Combating Energy Poverty that urges the Member States to introduce a definition of energy poverty based on common parameters but adjusted for each Member State to take into account specific national circumstances; reiterates that affordability of housing should be seen not only in terms of rent payments but also in terms of associated fuel bills; takes the view, however, that energy poverty cannot be considered simply in terms of expenditure on energy and energy prices as it also has a qualitative dimension related to people's behaviour and patterns of consumption;

68. Calls on the Commission and the Member States to make sure that the deepening of the internal energy market goes hand in hand with measures to protect vulnerable consumers;

69. Believes that the right of access to energy is essential if people are to lead a life of dignity; calls on the Member States to refine their definition of 'decent housing' to include energy-efficiency standards; urges the Member States to combat energy poverty through, in particular, public sector energy regulators, and to adopt integrated measures, based on local energy audits, both in the private and public sector, including:

- the setting up of specific financial schemes regarding energy costs for the most vulnerable households (such as fair energy pricing, support on a one-off basis or as part of other social assistance, action to prevent non-payment of bills and protection against the cutting-off of supplies);
- the establishment of specific regional or national funds to reduce energy poverty, which could be funded by means of a financial contribution from energy providers which reflects their obligation to reduce consumption pursuant to Directive 2012/27/EU on energy efficiency;
- support to incentives and instructive measures to help residents save energy consumption;
- the use of effective, long-term financial leverage to make residential buildings more energy efficient, in both urban and rural areas, while ensuring that this does not lead to a significant increase in housing costs for tenants once energy savings have been taken into account; calls on the Commission to coordinate these efforts and to examine the possibility of introducing incentive measures;

70. Points out that the housing sector is among those that offers the greatest potential for energy savings; stresses that, in the medium and long term, provided that the costs of making housing more energy efficient do not outweigh the energy savings made, energy efficiency measures should in the first instance serve to increase the purchasing power of households and improve their quality of life; emphasises that these measures will also lead to a reduction in carbon emissions, create jobs, support the local economy and reduce healthcare expenditure;

71. Highlights in particular the potential benefits of schemes to subsidise the installation of energy-efficient and renewable micro-energy generation solution in social housing units, permitting savings to be made in fuel bills and allowing for the profits of the energy generated to be distributed fairly between tenants and the housing association or owner, resulting in lower bills for tenants and providing owners with additional funds for further renovation and improvements in the overall housing stock;

72. Believes that energy efficiency measures to tackle energy poverty can also help prevent health problems (such as respiratory and cardiovascular conditions, allergies, asthma, food and carbon monoxide poisoning, and impacts on mental health);

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73. Reiterates the importance of programmes aimed at improving energy performance in order to increase the affordability of social housing and housing in the private sector; emphasises the need for the Commission to clarify the State aid guidelines with regard to national and EU funds for such renovations and investments, and to allow flexibility, wherever possible, to ensure that such investments by housing associations and private owners can benefit from the most appropriate funding streams in order to achieve this dual social and environmental objective, without breaching EU competition rules;

74. Welcomes the fact that measures to promote energy efficiency and renewable energy use in housing will be eligible under ERDF and Cohesion Funds in the 2014-2020 period; encourages the Member States, their regional and local authorities and all relevant partners to make use of ERDF and Cohesion Funds to finance measures to improve energy performance, giving priority to households most affected by energy poverty;

75. Stresses that energy providers have a role to play in terms of dispute prevention and settlement, in particular by installing smart meters, establishing customer service departments and improving price transparency;

76. Calls on the Member States to use information campaigns to make sure that households are better informed about the importance of more responsible resource consumption and about the grants for which they are eligible under relevant social support measures, and to launch training campaigns to make social service professionals in particular more aware of energy poverty issues;

77. Asks the Member States to develop national energy poverty databases;

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

P7\_TA(2013)0247

## **Educational and occupational mobility of women**

**European Parliament resolution of 11 June 2013 on educational and occupational mobility of women in the EU (2013/2009(INI))**

(2016/C 065/05)

*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 8, 45, 165 and 166 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 21, 23 and 25 thereof,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to Directive 2005/36/EC of the European Parliament and the Council of 7 September 2005 on the recognition of professional qualifications <sup>(1)</sup>,
- having regard to the Commission communication of 21 September 2010 entitled 'Strategy for equality between women and men 2010-2015' (COM(2010)0491),

<sup>(1)</sup> OJ L 255, 30.9.2005, p. 22.

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- having regard to the Commission communication of 23 November 2010 entitled ‘An Agenda for new skills and jobs: A European contribution towards full employment’ (COM(2010)0682),
  - having regard to the Commission communication of 9 June 2010 entitled ‘A new impetus for European cooperation in Vocational Education and Training to support the Europe 2020 strategy’ (COM(2010)0296),
  - having regard to its resolution of 25 October 2011 on promoting workers’ mobility within the European Union,<sup>(1)</sup>
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A7-0164/2013),
- A. whereas the right to live and work in another country of the European Union is one of the Union’s fundamental freedoms guaranteed to European Union citizens by the Treaty on European Union and whereas mobility is a multifaceted phenomenon having economic, social and family dimensions;
- B. whereas workers’ mobility and educational mobility help to deepen people’s attachment to their European citizenship; and at the same time constitute a European principle for achieving cohesion and solidarity across the EU;
- C. whereas the Erasmus Programme, which since 1987 has made it possible for more than 2,2 million European Union citizens to study abroad can also make an especially positive contribution to cross-border worker mobility after the study period, and whereas the growth in education and vocational training for women is increasing their mobility;
- D. whereas the economic and financial crisis has negatively affected the EU labour market, especially as regards employment rates and the possibility of moving freely and choosing employment according to one’s educational and professional qualifications, with women being one of the worst-affected groups;
- E. whereas, according to the most recent available data, the female unemployment rate in the European Union is 10,7 % (or 22,7 % in the case of women under the age of 25);
- F. whereas occupational mobility is a strategic objective of the European Union, as it increases the efficiency of the single market and helps to improve professional skills and employment levels, which are key factors of economic and social progress;
- G. whereas there are significant gender differences as regards workers’ mobility within the EU — men move for jobs or job transfers far more often than women do (44 % compared with 27 %), while women are more often obliged to take a career break in connection with a long-distance move in order to follow their partner;
- H. whereas gender segregation on the labour market, lack of adequate working conditions, the gender pay gap, inadequate measures to balance family and work life, persistent stereotypes and the risk of gender-based discrimination, are the major obstacles to women’s occupational mobility; whereas factors related to family, the considerable differences between family benefits available in the various Member States, social networks, care facilities for children and other dependants — particularly the absence or inadequacy of public networks of day nurseries, crèches and public provision of free-time activities for children — housing and local conditions, and other obstacles (language, lack of awareness of rights) are additional barriers preventing women from exercising the right of free movement, residence and work throughout Europe;
- I. whereas women are exposed to social risks more often in their lifetime than men, the result of which is the growing feminisation of poverty; whereas the most recent estimates suggest that in the EU women’s salaries are on average 16,4 % lower than men’s, and that there are major differences between Member States, with the wage gap varying between 1,9 % and 27,6 %<sup>(2)</sup>;

<sup>(1)</sup> OJ C 131 E, 8.5.2013, p. 35.

<sup>(2)</sup> Eurostat 2010, except EE, EL (2008). AT, BE, ES, IE, FR, IT, CY: provisional source.



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- J. whereas multidimensional policy solutions incorporating lifelong learning, the reconciliation of professional, family and personal life (particularly for single mothers), combating precarious work and promoting jobs including full rights entitlements, a public healthcare network, a public social security network and differentiated work organisation practices at women's request are needed in order to improve the integration of women into the labour market;
- K. whereas a high-quality education provides women with better employment prospects, improved skills and key competences in a given field; whereas it also facilitates their participation in society and cultural activities and ensures better pay on the labour market;
- L. whereas educational mobility helps to foster occupational mobility and increase labour market opportunities and must be available to all, including women with a low level of qualifications;
1. Emphasises the need to increase awareness of the situation of women of all age groups in the context of the EU's policies on education, social integration, means to balance family and working life, migration and employment, poverty, health care and in its social protection policies, to protect the rights of women, to promote equality and equal employment opportunities for men and women, to ensure safe working conditions, equal access and career opportunities including the application of the same criteria for selection in matters of employment, to concentrate more on the situation of women in the decision-making process and to combat all forms of discrimination in the labour market, such as occupation segregation or wage discrimination, in particular by promoting lifelong learning, combating precarious employment and promoting work with rights, working hours that are compatible with a work-life balance, a public healthcare network and social security system, and differentiated practices for the organisation of working time, at the woman's request;
  2. Emphasises that educational and occupational mobility has been recognised as offering added value to the EU; stresses that the economic crisis is making it increasingly necessary to adapt one's choice of occupation to what is available on the labour market, and that it is increasingly vital for women to be more adaptable to the demands of new career opportunities when changing occupations;
  3. Considers that fostering the educational and occupational mobility of women can contribute to the achievement of the Europe 2020 headline target of raising the employment rate for women and men aged 20-64 to 75 %, through, for example, the greater participation of young people, older workers and low-skilled workers and the better integration of migrants;
  4. Calls on the Member States to include provisions to ensure transparency and awareness in the area of women's rights and the rights of their family members in respect of mobility when designing their national strategies and reform programmes;
  5. Considers that professional mobility must not be unfavourable to women where social rights are concerned and that it is therefore necessary to guarantee the continuation and transfer of pension rights under the public social security system between countries, while recognising the diversity of pension regimes throughout the EU;
  6. Calls on the Member States to collect and analyse data on the difficulties, scale and structure of women's mobility, to draw attention to and promote the benefits of employment mobility on their national markets and the benefits of educational and employment mobility in foreign countries; calls on the Commission and Member States **to** monitor the situation of agencies and organisations offering jobs to workers from other Member States and to detect potential illegal or undeclared employment, or agencies or organisations providing fictitious jobs;
  7. Calls on the Member States to report on gender data in relation to occupational mobility and to include provisions to advance gender equality in terms of occupational mobility when designing their national policies and their National Reform Programmes (NRPs), with specific attention to the programming and implementation of national or regional level

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operational programmes funded by the European Social Fund (ESF) for the 2014-2020 programming period and beyond; recalls its resolution of 23 October 2012 endorsing the Commission's proposal to earmark 25 % of the total cohesion policy allocation to the ESF <sup>(1)</sup>;

8. Stresses that, if this issue is a specific objective within these programmes, or appears as a special horizontal priority, good practices will start to show up and measures will yield results at regional and/or local level;

9. Points out that, in order to boost employment, greater attention must be paid to cross-border cooperation, the exchange of best practices between educational institutions and professional bodies in the Member States, and that school systems must become more equal and inclusive;

10. Calls on the Member States to step up efforts and cooperation with special emphasis on access to information and advice to combat the human trafficking carried out by international networks that recruit workers, especially women, by falsely promising them jobs that do not actually exist and result in situations involving sexual exploitation and forced labour or services (begging, slavery or practices similar to slavery, servitude, the exploitation of criminal activities, or the removal of organs);

11. Points out that mobility should be based on gender equality and combating discrimination on the grounds of gender, race, origins, religious beliefs, age and state of health;

12. Points out that women moving abroad for jobs in domestic service and involving care for children or disabled or elderly people are often employed without a contract or work illegally, and consequently have no rights or entitlement to social security, healthcare, an adequate pension or other benefits in relation to pension contributions;

13. Calls on the social partners, Member States and the Commission to support the improvement of gender equality elements in collective agreements, amongst others, by promoting the right to flexible working hours, childcare facilities, mentoring of women workers, measures to increase women's representation in collective bargaining negotiations and by assessing the impact of collective agreements on women;

14. Calls on the Member States to: monitor the situation of workers who care for children and other dependants; provide enough information to women moving abroad to take on such jobs, including information on access to declared work and training in the relevant area, on social rights, on healthcare, etc.; provide these women with advice on declared jobs and warn them of the possible dangers of the illegal labour market;

15. Emphasises that European policies must also take into account the living and working conditions of women moving away for seasonal jobs in agriculture, especially as regards the need for adequate accommodation, social protection, medical insurance and healthcare, a balance between family and working life, and a decent wage; stresses the need to combat the exploitative situations that many of these women experience;

16. Points out that women moving abroad for employment are often offered the lowest-ranked jobs on the labour market in terms of skills, pay and prestige, and that women's labour migration is often concentrated in a few female-dominated occupations associated with traditional gender roles; calls on the Member States, therefore, to endeavour to encourage adequate contractual arrangements and discourage excessive reliance on non-standard employment contracts;

17. Calls on the Member States to work together to find solutions to prevent or compensate for the effects that occupational mobility has on some Member States in certain areas (such as the mobility of medical personnel, who are predominantly women) and which may affect human rights in the Member States of origin;

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<sup>(1)</sup> European Parliament resolution of 23 October 2012 in the interests of achieving a positive outcome of the Multiannual Financial Framework 2014-2020 approval procedure (texts adopted, P7\_TA(2012)0360).

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18. Considers that enabling women moving abroad to enjoy portable social security rights is essential to ensuring that they effectively benefit from the prerogatives they have acquired;
19. Draws attention to the considerable differences between Member States in terms of family benefits and social rights, and points out that these variations can present a real obstacle to the occupational mobility of men and women with dependent families;
20. Calls on Member States to ensure reciprocal recognition of diplomas and professional qualifications and to facilitate the simplification of recognition procedures;
21. Points out that in cases where it is not recognition itself that is the main problem but rather the protracted nature of the procedure necessary for recognition, this may give rise to a faulty start in the new host environment in the EU;
22. Expresses its concern at the high level of 'brain-waste' among women, i.e. under-use of the qualifications possessed by women moving abroad, which is particularly apparent in the highly feminised sectors of nursing and domestic work;
23. Stresses the need to ensure clear rules are in place to facilitate women's access to senior management positions and notes that increasing the number of women on management boards increases competitiveness and productivity; welcomes, therefore, the Commission proposal to reserve for women, by 2020, a minimum quota of 40 % of non-executive positions on the boards of European publicly listed companies with 250 or more employees and an annual total turnover of more than EUR 50 million;
24. Calls on the Commission and on the Member States to improve the detection and elimination of the violations of women's rights in the labour market and effectively punish these violations, so as to provide women living abroad for work purposes with all the necessary information, including with regard to access to jobs and training in this field and to social rights and healthcare, and to provide counselling in relation to employment opportunities and social housing programmes at no extra cost;
25. Calls on the Commission to monitor and report regularly on how EU funds focusing on education and training, occupational and educational mobility and on labour market participation are being taken up by women and men; calls on the Member States and the Commission to react rapidly in cases of unbalanced take-up;
26. Calls on the Member States to take action to eliminate the barriers to professional and social advancement which women face in the countries to which they have transferred their centre of interests but which are not their country of origin;
27. Notes that women, including migrant workers, are much more likely than men to be subject to involuntary part-time working (with 32,1 % of women working part-time in the European Union in 2011 compared to 9 % of men); calls on the Member States to take the necessary measures to discourage employers from recruiting employees on a part-time basis (by requiring justification, abolishing certain tax advantages, etc) and strengthen the rights of women who have no alternative but to work part-time (by means of priority recruitment, job insecurity payments in the event of dismissal, etc);
28. Urges the Member States and the Commission to strengthen the EU's policy on fighting direct and indirect discrimination against EU migrant workers and women in particular, hosted by another Member State and the abuse of their rights as a result of their insufficient knowledge of languages and of the laws applicable to their employment in the host Member State;
29. Calls on the Commission and the Member States, with the support of local stakeholders, the social partners and training bodies, to make women more aware of the opportunities offered by occupational mobility, with particular reference to personal development, career planning and their rights when moving from one Member State to another for professional reasons;
30. Calls on the Member States to set up contact points for mobile domestic and care workers with individual employment relationships, so as to provide them with the means to establish a network enabling them to be informed of their rights, and to support non-governmental players active in this field;

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31. Encourages the Member States to facilitate procedures for local and regional authorities:

- to design and put into practice specific programmes to integrate women and men into local communities and to foster intercultural exchange;
- to offer women who follow their spouses or partners to another Member State appropriate services such as courses to facilitate their integration into their new social and cultural environment, for example language courses and vocational courses, with special regard to vulnerable women;
- to devote greater attention to integrating women into the labour market, particularly to their acquisition of qualifications and the updating thereof, the acquisition of skills and the implementation of the lifelong education and training programme;
- to address highly mobile women at risk, such as domestic workers, care workers, cleaners and women working in the hotel, restaurant and catering (HORECA) sector;
- to support social awareness campaigns by non-profit organisations focusing on women in international communities, such as expatriate spouses and partners;
- to develop integration coaching programmes, psychological counselling and integration projects; stresses that concrete measures are of practical help in understanding and solving problems;

32. Stresses the damage to the economy and the individual stemming from the gender pay gap; stresses that the gender pay gap partially arises from the fact that sectors where women are over-represented often have lower salaries;

33. Urges the Member States to make pay trends more transparent, particularly by promoting collective bargaining, so as to avert continuing or widening pay gaps, including their implications for the accumulation of pensions in the Member State of origin and the host Member State and to take the necessary steps to bridge the wage gap; calls on the Commission to propose new measures to penalise and effectively reduce the pay gap between men and women and to monitor the correct application and effectiveness of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(1)</sup>, as well as to revise the existing gender pay gap legislation (Directive 2006/54/EC) as demanded by Parliament in its resolution of 13 March 2012; strongly urges the Commission and Member States to develop policies, in cooperation with social partners to eradicate the gender pay gap, that focus on the integration of women in the labour market and promote equal opportunities for mobility;

34. Stresses that the upbringing of children requires a sharing of responsibility between men and women and society as a whole and calls on the Member States to provide workers who move with a spouse or partner and/or children regardless of their level of pay or qualifications with information about the family benefits available in the host Member State, public care facilities for children and other dependants, pre-schools, schools and medical services, along with free access to public employment services in accordance with the applicable national legislation in order to help spouses or partners moving to another Member State to find a job; reasserts the need to guarantee the right to family reunification;

35. Calls on Member States to set up infrastructural measures to support mobile workers with families, addressing access to education and childcare, social security and community services; calls on both sending and receiving Member States to develop mechanisms for integration and reintegration of highly mobile workers with families; underlines that the value of intercultural skills acquired by women moving abroad should be better recognised by employers;

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<sup>(1)</sup> OJ L 204, 26.7.2006, p. 23.

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36. Encourages Member States to combat poverty and the social exclusion of women of all age groups; calls on the Commission and Member States to take measures to prevent the feminisation of poverty by promoting employment and the spirit of enterprise among women, combating wage disparities and facilitating the reconciliation of professional and family duties by developing child care facilities;
37. Calls on the Member States and the Commission to pay special attention to the problem of poverty among older women caused by the fact that they receive smaller pensions, also as a consequence of periods of unemployment which they undergo in order to take care of their children and other dependant family members;
38. Calls on the Member States to encourage employers to grant flexible working times for women, and especially those whose children have remained in the Member State of origin, so as to enable them to maintain a tangible physical link with their children;
39. Calls on the Commission and the Member States to encourage the use of teleworking in both private and public sector organisations, on the basis of fair pay and fair social conditions, to avoid the need for women to take career breaks in connection with their partners' occupational mobility;
40. Calls on the Member States to actively participate in removing obstacles to workers' mobility by offering family members and partners services such as courses to facilitate their long-term integration into their new social and cultural environment, for example language and vocational courses, in order to ensure their independence and dignity;
41. Stresses the need to attract women to education and training in the MINT professions (mathematics, informatics, new technologies), in order to overcome occupation segregation and wage discrimination; urges the Member States to promote vocations and professions requiring scientific, technical, engineering and mathematical skills among women from an early age, for better employability and to assist the transition between education, professional training and employment; thus, calls on the Member States to provide or further develop quality vocational orientation and career guidance services to assist women in this regard;
42. Stresses the positive impact of attracting women from an early stage into professions in key industries with a high job potential, in particular the green economy, the health and social care sector and the digital economy;
43. Calls on the Commission and the Member States to take action to address gender segregation by sectors by both motivating individuals from early on to go into relevant sectors and by addressing the conditions that make such sectors less attractive for women or men, such as on the one hand working conditions incompatible with care responsibilities and on the other hand pay;
44. Reiterates its call on the Member States to promote learning and employment mobility by: (a) increasing awareness and making information easily accessible to all; (b) highlighting the added value of mobility in the early stages of education; (c) ensuring that learning outcomes from mobility experiences between Member States are validated; (d) reducing administrative burdens and stimulating cooperation between the relevant authorities across the Member States and (e) recognising periods spent abroad for the purpose of calculating cumulative pension entitlement in the Member State of origin;
45. Calls on the Commission to pay particular attention to all aspects of educational and vocational training, higher education and adult education, with a view to improving the quality of education and enhancing employment prospects in the future;
46. Notes that since its inception in 1987 the Erasmus programme alone has enabled more than 2,2 million students to be mobile within the EU, and has made a significant contribution to mobility in European higher education; hopes, therefore, that the future multiannual financial framework will make adequate financial provision for all programmes designed to support mobility and education; calls on the Commission and the Member States to continue their active

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support for European and international education and study programmes, and programmes such as Grundtvig, Comenius, Leonardo da Vinci, Jean Monet and Erasmus so as to facilitate educational and occupational mobility for women in the EU and also to enable teachers to spend part of their working lives in another EU Member State, thereby helping to foster a sense of European citizenship and identity; stresses the importance of the new multiannual programme for education, vocational training, youth and sport, which builds on the positive experiences of all existing European programmes in the areas of mobility and education;

47. Stresses the importance of gender-sensitive educational systems, as they give children a diversity of choice in discovering their talents; stresses that research indicates that strong gender stereotyping in education adds to gender segregation in the labour market, both in relation to sectors and occupations; calls on the Commission and Member States to combat these stereotypes;

48. Stresses the need to introduce youth guarantees in the Member States in order to increase labour market access for young people, including female graduates, and to facilitate their transition from studying to the labour market; underlines that early career mobility patterns play a crucial role in shaping subsequent employment changes; recalls its two resolutions of 24 May 2012 on the Youth Opportunities Initiative and of 16 January 2013 on a Youth Guarantee; calls, therefore, on the Commission and the Member States to implement swiftly the youth employment package, particularly with regard to 'Your first EURES job' and the Youth Guarantee, with a view to fostering early educational and occupational mobility of young women;

49. Calls on the Commission, likewise, to find a means of integrating the education acquired through youth mobility with jobs matching that education, in order to increase the efficiency of the mobility process in both its educational phase and its occupational phase;

50. Stresses that, in order to boost employment and combat long-term unemployment, it is necessary to consider increasing mobility not only for students and workers, but also for their teachers; considers that such an approach would ensure quality teaching;

51. Emphasises the importance of an enhanced social dimension and of increasing access to educational mobility programmes for women from disadvantaged backgrounds, women with low incomes, women on maternity leave and single mothers;

52. Calls on the Member States to clarify the financial support options that exist for women's educational and employment mobility, and to make it easier to access this information;

53. Emphasises that disabled women, women with few or no educational qualifications and single mothers must be given sufficient information and additional support to gain access to existing training, learning and educational mobility programmes;

54. Draws particular attention to women with disabilities and stresses the need for measures and actions to combat double discrimination and promote completely equal rights and opportunities;

55. Considers that special attention should be given to respect for the cultural background and/or traditions of women from minority communities;

56. Calls on Member States to encourage national, regional and local projects to improve the labour participation rate of women; calls on Member States to encourage higher participation of men and women in volunteering and charity activities for the community;

57. Emphasises that special attention must be awarded to supporting the mobility of women aged over 45, who are more willing than other women to accept insecure employment;

58. Stresses the need to increase the level of participation in lifelong learning programmes by women who have moved abroad, including programmes relating to skills development, and points out that programmes to strengthen social integration should also be introduced;

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59. Points out that unemployment and problems getting into the workforce affect women from a wide range of age groups, and that women have to react quickly to the labour market's requirements and welcomes the measures proposed by the Commission to tackle the current, unacceptable levels of youth unemployment and social exclusion and offer young people jobs, education, and training; supports the initiatives adopted by the Commission, such as the 'WOMen Mobility ENhancement' mechanism, and calls on the Commission to broaden and enhance the scope of projects designed to increase the professional mobility of women;

60. Stresses the conclusions of the Year for Active Ageing and Solidarity between Generations; points out the need to support voluntary activities and the exchange of knowledge and experiences between women from different age groups;

61. Calls on the Commission to support the reallocation of adequate financial resources to programmes that promote women's employment and better education for disadvantaged groups;

62. Recommends the establishment of a European Counselling Service Network to help local communities deal with this problem by providing information, know-how and guidance regarding the integration of women; recommends the promotion and use of instruments and networks and continued funding for existing European networks, as well as instruments facilitating mobility such as EURES, Your Europe and Europe Direct, which also make it easier for women to find information about their rights and opportunities in the various Member States;

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

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P7\_TA(2013)0248

## **Electronic toll service and vignette system on light private vehicles**

### **European Parliament resolution of 11 June 2013 on a strategy for an electronic toll service and a vignette system on light private vehicles in Europe (2012/2296(INI))**

(2016/C 065/06)

*The European Parliament,*

- having regard to the Commission communication to the European Parliament and the Council entitled 'The application of national road infrastructure charges levied on light private vehicles' (COM(2012)0199),
  - having regard to the Commission communication to the European Parliament and the Council entitled 'Implementation of the European Electronic Toll Service' (COM(2012)0474),
  - having regard to the White Paper on Transport entitled 'Roadmap to a Single European Transport Area — Towards a Competitive and Resource-Efficient Transport System' (COM(2011)0144),
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0142/2013),
- A. whereas the current European Electronic Toll Service (EETS) system introduced by the Commission has not been working and needs to be overhauled; whereas certain stakeholders in the market at present see no monetary benefit to adapting to a common interoperable EETS system;
- B. whereas the revenues received by Member States from tax and excise duty in the future will most likely diminish as a result of the move away from oil-based fuels;

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- C. whereas the ‘user pays/polluter pays’ principle must continue to be a key priority for European transport;
- D. whereas road charging is going to become a reality in more and more Member States in the very near future;
- E. whereas certain problems with non-residents have repeatedly arisen in cross-border areas when new electronic toll systems have been implemented, resulting in protests and complaints about financial losses and discrimination;
- F. whereas the EU has a responsibility to ensure that this new development does not have a negative impact on cross-border travel, on the daily lives of people living in border regions or on trade;
- G. whereas the EU must encourage road charging which does not discriminate against road users who are not resident in the country charging the toll;
- H. whereas in future — in addition to the building of new roads — more funding will be required primarily for the preservation and maintenance of existing transport infrastructure;
- I. whereas Member States should be allowed to introduce either distance- or time-based charging systems, although steps should be taken to ensure that distance-based systems are favoured whenever possible, since these are fairer and less discriminatory than time-based systems;
- J. whereas the technologies already exist for road charging systems to be interoperable;
- K. whereas the single biggest problem facing the EETS is a lack of political will to implement such a scheme, rather than market-related or technical issues;

#### ***General framework***

1. Notes the Commission’s statement that the two main stakeholders concerned are toll chargers and EETS providers, but points out that road users, especially transport companies, are a third key stakeholder; points out that users of private vehicles are potential end users who could help to speed up the development of the EETS;
2. Calls on the Commission to consider how these stakeholders could be involved to the most useful effect in the next stages of its action;
3. Stresses that while the protection of an individual’s personal data, and data protection in general, is of paramount importance and any new measures taken should be subject to EU data protection legislation and in particular to Directive 95/46/EC, this should be no obstacle to the interoperability of systems;
4. Recognises the rights of road owners to be paid an appropriate amount for the use of their infrastructure and the services connected to it;

#### ***The EETS: a failure to date and in need of a new direction***

5. Agrees with the Commission that the current EETS Directive (2004/52/EC) has not led to the expected development of an interoperable European electronic road toll service between Member States; considers that it has been a failure, and emphasises that drastic action is needed in order to achieve the aforementioned aim;
6. Believes that the Commission should consider appropriate legislative measures in the area of interoperability as soon as possible, so as to oblige all stakeholders to advance the EETS project;
7. Considers it regrettable that Member States have, on the whole, shown little interest in developing the EETS, and that the Commission is not taking more measures to pursue the enforcement of EU legislation; urges the Commission, therefore, to devise and propose an incentive scheme to encourage operators and Member States to shorten the timeframes for implementing the system;
8. Agrees with the Commission that demand exists for an interoperable solution in the area of electronic road charging, but believes that appropriate legislative measures are needed to make stakeholders implement such a system, since the remuneration derived solely from an interoperable system is not sufficiently attractive for certain manufacturers of road charging equipment or certain road operators;



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9. Considers that the market-driven approach favoured by the Commission has failed to bear fruit and that political action is therefore needed in order to speed up the implementation of the EETS and translate it into reality in the immediate future;
10. Believes that the Commission's plans to proceed with regionalisation are not satisfactory, as they may lead to additional delays which could be detrimental to the EU-wide development of the service;
11. Believes that, in any case, the EU-wide development of the service should remain the EU's ultimate goal; stresses that, if implemented, regionalisation should be a transitional stage only;
12. Considers that more wide-ranging measures are needed and urges the Commission, firstly, to take firm action against those Member States which are not correctly implementing the EU legislation, and, secondly, to undertake without delay a review of all available studies on the subject so as to provide a clear basis for different options for action in both the medium and the long term, including charging for road use via technologies such as GPS/GNSS, in order to prevent and reduce traffic congestion caused by physical barriers, and urges it to present this overview by the end of 2013;
13. Believes that the Commission should undertake a study on the financial aspects and conditions which would make the EETS a working reality;
14. Believes that the Interoperability Directive (2004/52/EC) provides an adequate regulatory framework for individual charging systems to coexist, allowing Member States to choose among different technologies according to the characteristics of their road network;
15. Believes that, whatever the system chosen, the Commission should take great care to ensure that consumers are made aware at all times of the cost of the toll being levied via an electronic device or toll tag;
16. Requests that the specific needs of professionals and other drivers travelling through many countries, and in particular to or from outlying Member States, always be taken into account when developing the service;
17. Calls on the Commission, in its work programmes on the trans-European transport networks, to provide for the possibility of financing projects that might afford a means of speeding up the implementation of the EETS;
18. Considers that the market-demand-based approach has failed to produce the desired results and that it is necessary to look into the shortcomings which have led to this situation;
19. Believes that there is no will for an EETS on the part of industry stakeholders, namely toll service providers, road concessions and manufacturers of electronic 'tags' and associated equipment, and that a regulation may be needed to force stakeholders to come together; considers that supporting measures should be introduced by the Commission in order to create an efficient road-charging experience for the end user, particularly in the context of more widespread use of road charging in the future;
20. Calls on the Commission to carry out a detailed assessment in the light of current projects relating to technical and contractual interoperability between Member States and, where appropriate, to propose new measures based on best practice;
21. Agrees with the Commission that the technology for interoperable systems already exists;
22. Points out that several Member States intend to implement charging systems within the next few years or to extend existing concessions; calls on the Commission to ensure that those systems meet the interoperability requirements and to guarantee that the implementation of charging systems will not, under any circumstances, discriminate against non-residents by creating obstacles to the principle of free movement;
23. Calls on the Member States and toll-road operators to work in close cooperation with neighbouring countries and to offer all the necessary support for the setting-up of charging systems and payment and collection facilities and the provision of information to users about prices, terms and conditions of use and so on;
24. Calls for infringement proceedings to be instituted in the event of non-compliance;

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***Charging for road use: vignettes, tolling, interoperability and data protection***

25. Emphasises that it is for Member States to decide whether or not to introduce road charges, and to set the amount charged for road use, and that Member States should have the final say in spending revenues collected from road charging;
26. Calls upon the Member States to continue to upgrade their transport networks in order to make them as sustainable, efficient, environmentally friendly and safe as possible by ring-fencing revenues from road charges for such purposes;
27. Recognises that Member States are currently developing plans to charge for new categories of vehicles, including light private vehicles, which adds to the urgency of the Commission introducing a coordinated interoperable charging system;
28. Notes that applying toll payments more equally to all forms of vehicle on the basis of the user pays principle is a step in the right direction;
29. Calls on the Member States to take into account the special position of residents of border regions when establishing national toll systems; stresses that national toll systems must not have any discriminatory impact whatsoever;
30. Urges the Commission and the Member States to take into account the specific position of border regions when developing plans for road-charging systems, so as to minimise the impact on people living in border regions;
31. Believes that, while the power to raise revenue rests with the Member States, the EU should favour a system of distance-based tolling over vignette-type systems, since the former is a much fairer, non-discriminatory type of system, whereas the latter has caused problems in the past in terms of efficiency and discrimination and should be avoided whenever possible;
32. Believes that the Commission must make it mandatory for time-based systems to offer road users custom-made vignettes based on various pro-rata charging structures, such as daily, weekly, monthly and yearly options, with the possibility of purchasing a vignette up to 30 days in advance of the road use, and to state clearly the amount being charged in administrative fees, and that it should favour the more widespread introduction of distance- rather than time-based systems;
33. Believes that the introduction of any new charging system which involves the sharing of operating systems and data on clients and their movements must be strictly subject to EU data protection regulations, and that the data should be de-personalised in order to protect individual privacy; takes a pragmatic approach to the issue of data protection and believes that once the necessary safeguards have been put in place, data protection concerns should be no hindrance to interoperability;
34. Urges the Commission to oblige those Member States with vignette systems substantially to simplify the sale of vignettes and access to information, and to operate an online payment service that allows customers to pre-pay their charges via an interface accessible to all, in accordance with the requirements of universal design;
35. Urges the Commission to make payment by mobile phone a possibility for toll and vignette systems;
36. Stresses the need for adequate and visible advance signage informing motorists about how much they will have to pay; stresses also that information about fines and other penalties should be clearly indicated and easily available;
37. Recognises the needs of haulage companies and SMEs, and the benefits that an EETS would offer these groups in terms of bringing goods to the market at the most competitive price possible;

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38. Notes the importance of these companies and SMEs in bringing economic growth and jobs to Europe, and consequently considers it essential not to impose any unnecessary extra charges on them, but instead to apply the user pays principle across the board to all vehicle categories;

39. Recommends that the Commission take firm action against those who fail to cooperate with the current Interoperability Directive, while assessing the necessity of the Commission publishing a proposal for new legislation on the EETS and road charging interoperability;

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

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P7\_TA(2013)0266

## Social investment for growth and cohesion

### European Parliament resolution of 12 June 2013 on the Commission Communication 'Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020' (2013/2607(RSP))

(2016/C 065/07)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 5, 6, 9, 14, 147, 148, 149, 151 and 153 thereof, and to the Charter of Fundamental Rights of the European Union, in particular Articles 24, 25, 26, 29, 33, 34, 35 and 36,
- 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 recommendation of 20 February 2013 entitled 'Investing in children: breaking the cycle of disadvantage' (2013/112/EU) <sup>(1)</sup>,
- having regard to the Commission Staff Working Document of 20 February 2013 entitled 'Evidence on Demographic and Social Trends: Social Policies' Contribution to Inclusion, Employment and the Economy' (SWD(2013)0038),
- having regard to the Commission Staff Working Document of 20 February 2013 entitled 'Follow-up on the implementation by the Member States of the 2008 European Commission recommendation on active inclusion of people excluded from the labour market — Towards a social investment approach' (SWD(2013)0039),
- having regard to the Commission Staff Working Document of 20 February 2013 entitled '3rd Biennial Report on Social Services of General Interest' (SWD(2013)0040),
- having regard to the Commission Staff Working Document of 20 February 2013 entitled 'Long-term care in ageing societies — Challenges and policy options' (SWD(2013)0041),
- 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 the Commission Staff Working Document of 20 February 2013 entitled 'Investing in Health' (SWD(2013)0043),
- having regard to the Commission Staff Working Document of 20 February 2013 entitled 'Social investment through the European Social Fund' (SWD(2013)0044),
- having regard to the Commission communication of 28 November 2012 on the Annual Growth Survey 2013 (AGS) (COM(2012)0750), and the Draft Joint Employment Report annexed thereto,

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<sup>(1)</sup> OJ L 59, 2.3.2013, p. 5.

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- having regard to its resolution of 7 February 2013 on the European Semester for Economic Policy Coordination: employment and social aspects in the 2013 Annual Growth Survey <sup>(1)</sup>,
- 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 18 April 2012 entitled 'Towards a job-rich recovery' (COM(2012) 0173),
- having regard to the question for oral answer to the Commission and the accompanying resolution of Parliament of 14 June 2012 on 'Towards a job-rich recovery' <sup>(2)</sup>,
- having regard to the Commission communication of 23 November 2010 entitled 'an Agenda for new skills and jobs: a European contribution towards full employment' (COM(2010)0682),
- having regard to its resolution of 26 October 2011 on the Agenda for New Skills and Jobs <sup>(3)</sup>,
- 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), and the opinion of the European Economic and Social Committee <sup>(4)</sup> and the resolution of Parliament of 15 November 2011 on that subject <sup>(5)</sup>,
- having regard to the Commission communication of 20 December 2011 entitled 'Youth Opportunities Initiative' (COM(2011)0933),
- having regard to the question for oral answer to the Commission and the accompanying resolution of Parliament of 24 May 2012 on the Youth Opportunities Initiative <sup>(6)</sup>,
- having regard to the Commission communication of 5 December 2012 entitled 'Moving Youth into Employment'(COM(2012)0727),
- having regard to its resolution of 7 September 2010 on developing the job potential of a new sustainable economy <sup>(7)</sup>,
- having regard to the European Pact for Gender Equality (2011-2020) adopted by the Council on 7 March 2011,
- 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 to its resolution thereon of 6 May 2009 <sup>(8)</sup>,
- having regard to its resolution of 14 March 2013 on the integration of migrants, its effects on the labour markets and the external dimension of social security coordination <sup>(9)</sup>,
- having regard to its resolution of 5 July 2011 on the future of social services of general interest <sup>(10)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2013)0053.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0260.

<sup>(3)</sup> OJ C 131 E, 8.5.2013, p. 87.

<sup>(4)</sup> OJ C 248, 25.8.2011, p. 130.

<sup>(5)</sup> OJ C 153 E, 31.5.2013, p. 57.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0224.

<sup>(7)</sup> OJ C 308 E, 20.10.2011, p. 6.

<sup>(8)</sup> OJ C 212 E, 5.8.2010, p. 23.

<sup>(9)</sup> Texts adopted, P7\_TA(2013)0092

<sup>(10)</sup> OJ C 33 E, 5.2.2013, p. 65.

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- having regard to the Commission communication of 2 July 2008 entitled 'Renewed social agenda: Opportunities, access and solidarity in 21st century Europe' (COM(2008)0412) and its resolution thereon of 6 May 2009 <sup>(1)</sup>,
  - having regard to the Commission communication on the long-term sustainability of public finances for a recovering economy (COM(2009)0545) and its resolution thereon of 20 May 2010 <sup>(2)</sup>,
  - having regard to the Commission proposal for a Regulation of the European Parliament and of the Council on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (COM(2011)0607/2 — 2011/0268(COD)) of 14 March 2012 and the draft legislative resolution thereon of 20 August 2012 <sup>(3)</sup>,
  - having regard to its resolution of 20 November 2012 on 'The Social Business Initiative — Creating a favourable climate for social enterprises, key stakeholders in the social economy and innovation' <sup>(4)</sup>,
  - having regard to its resolution of 6 February 2013 on 'Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery' <sup>(5)</sup>,
  - having regard to its resolution of 20 November 2012 on 'The Social Investment Pact — as a response to the crisis' <sup>(6)</sup>,
  - having regard to the Commission communication of 16 February 2012 entitled 'An Agenda for adequate, safe and sustainable pensions' (COM(2012)0055),
  - having regard to ILO Convention No 117 on Social Policy (basic aims and standards),
  - having regard to ILO Recommendation No 202 on Social Protection Floors,
  - having regard to the question for oral answer to the Commission on its communication 'Towards Social Investment for Growth and Cohesion — including implementing the European Social Fund 2014-2020' (O-000057/2013 — B7-0207/2013),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas in many Member States fiscal consolidation measures have led to the favouring of short-term expenditure goals at the expense of investment in sustainable growth, employment, social cohesion and competitiveness in order to achieve the Europe 2020 strategy goals;
- B. whereas the sovereign debt crisis that has hit Europe, and especially the eurozone countries, has led to a severe economic downturn with negative social consequences for most Member States through rising unemployment, poverty rates and social exclusion;
- C. whereas the crisis has brought to the fore the economic interdependence of Member States and the considerable divergence in Member States' capacity to respond to labour market and social challenges;
- D. whereas the crisis, combined with demographic change, makes it urgent for Member States to improve the effectiveness of social spending and to design the potential reforms of their social protection system in line with this objective;
- E. whereas social partners at national level can play an important role in the financing and running of social security systems;
- F. whereas well-targeted and efficient social investments help stabilise the economy, promote employment and enhance the skills of the labour force, thus boosting the EU's competitiveness;

<sup>(1)</sup> OJ C 212 E, 5.8.2010, p. 11.

<sup>(2)</sup> OJ C 161 E, 31.5.2011, p. 112.

<sup>(3)</sup> Report A7-0250/2012 of Parliament's Committee on Employment and Social Affairs.

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0429.

<sup>(5)</sup> Texts adopted, P7\_TA(2013)0050.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0419.

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- G. whereas the growing skill intensity of available jobs and the skills needed for future job- rich sectors, adapted to a sustainable economy and society, require adequate investment in education and training programmes;
- H. whereas average EU household incomes are declining, and long-term unemployment as well as poverty and social exclusion including in-work poverty and social polarisation are on the rise in many Member States;
- I. whereas 10,5 % of the working-age population are now unemployed;
- J. having regard to the statement by the European Council of 30 January 2012, which reads: 'Growth and employment will only resume if we pursue a consistent and broad-based approach, combining a smart fiscal consolidation preserving investment in future growth, sound macroeconomic policies and an active employment strategy preserving social cohesion';
- K. whereas the effects of economic stagnation and the persistent public debt crisis, combined with demographic change, challenge social welfare systems and decent social security arrangements, including statutory and voluntary social insurance schemes;
- L. whereas 22,8 % of young people in the EU are currently unemployed, with youth unemployment exceeding 50 % in some Member States;
- M. whereas 8,3 million Europeans under 25 are neither in employment nor in education or training (NEETs); whereas these figures continue to rise, posing the risk of a lost generation;
- N. whereas young people with a migrant background are at greater risk of exiting the education and training system without having obtained an upper secondary qualification;
- O. whereas 27 % of children are at risk of poverty or social exclusion, compared to an average of 24 % for the EU population as a whole <sup>(1)</sup>;
- P. whereas 8 % of EU citizens are living in conditions of severe material deprivation and cannot afford a number of necessities that are considered essential for living a decent life in Europe;
- Q. whereas 15 % of children leave school without completing secondary education, and 10 % of EU citizens are living in jobless households;
- R. whereas the Social Protection Committee (SPC) has warned that these numbers are continuing to rise in many Member States, partly due to the impact of fiscal consolidation measures;
- S. whereas the most vulnerable groups, such as the elderly and people with disabilities, have been those most severely affected by the financial, economic and social crisis;
- T. whereas social policies are primarily the competence of the Member States and the EU's role is to support, assist and complement their activities;
- U. whereas having a decent job is a real protection against poverty;
- V. whereas active labour market policies and activation strategies are key to helping the unemployed find a decent job;
- W. whereas suitable individual guidance for those looking for a decent job can improve their chances of success;
- X. whereas austerity measures, including cuts in public services and welfare budgets, must not be allowed to worsen the situation for the most disadvantaged or to put people unnecessarily at risk of unemployment;

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<sup>(1)</sup> [http://europa.eu/rapid/press-release\\_STAT-13-28\\_en.htm?locale=en](http://europa.eu/rapid/press-release_STAT-13-28_en.htm?locale=en)

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- Y. whereas austerity measures must not be allowed to jeopardise the availability, accessibility and affordability of healthcare and long-term care services or to exacerbate health inequalities;
  - Z. whereas the economic crisis is liable to affect women more than men; whereas there is a risk that the current recession will delay advances, or even reverse progress, with long-term consequences for social protection systems, social inclusion and demography;
  - AA. whereas any stringent budgetary policy needs to be intelligent, with scope for counter-cyclical investment in major policy priorities and in line with economic performance and productivity;
  - AB. whereas marginalised communities live in deplorable socio-economic conditions and are often subjected to serious discrimination and segregation in all aspects of life;
  - AC. whereas the first indications that a young person is likely to drop out of school are an early warning sign of a recurring cycle of poverty;
  - AD. whereas homelessness remains a problem in all EU Member States, and is one of the most extreme forms of poverty and deprivation, eroding human dignity and compromising the fundamental human right to access to housing;
  - AE. whereas guaranteeing access to decent housing is an international obligation incumbent on all Member States, under which social housing is provided in parallel with market-based housing supply;
  - AF. whereas homeless people require specific measures to integrate them into society and avoid social exclusion;
  - AG. whereas poverty and social exclusion remain a key social determinant of health and living conditions, particularly in view of the impact of child poverty on child health and well-being;
  - AH. whereas gender discrimination at work, the gender pay gap and the consequent pension disparities remain persistent in the EU;
  - AI. whereas only 63 % of women in the EU work, compared with 76 % of men, partly owing to the lack of care facilities and of concrete measures to help achieve a healthy work-life balance;
  - AJ. whereas the gender dimension is crucial to achieving the EU 2020 headline targets, as women form the greatest reserve of as yet unused labour power; whereas, therefore, concrete measures and specific policies for gender mainstreaming must be developed as part of the European Semester;
  - AK. whereas women form the majority of heads of household, single parents and carers, and active inclusion policies require an all-encompassing set of measures to enable them to increase their participation in the labour market;
1. Welcomes the Commission's Social Investment Package, which establishes the necessary links between national social policies, the process of the European Semester reforms and the relevant EU Cohesion Fund allocations;
  2. Notes that the Commission communication adds to the original function of social protection of welfare systems those of social investment and stabilisation of the economy; stresses that the current economic and social crisis highlights the need for these three functions to be complementary rather than opposite;
  3. Reiterates the need to improve the coordination of social and economic policies at EU level so as to avoid discrepancies, build synergies between them and allow them to reinforce each other's objectives;
  4. Stresses that the most efficient tool to fight unemployment in the long run is economic growth;



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5. Regrets the fact that the communication is accompanied by a recommendation in only one area while austerity measures have a major impact in several social policy fields;
6. Is convinced that social policy reforms should be guided notably by the principles of active inclusion and activation — enabling the unemployed and the most disadvantaged to enter and participate in the labour market;
7. Recalls that social investments generate both social and economic returns by preventing and addressing social risks; stresses that social investment focuses on public policies and human capital investment strategies which facilitate transition in changing labour markets and enable the acquisition of new skills for future job-rich sectors adapted to a sustainable economy and society;
8. Stresses that social investment should be regarded as investment by Member States, and that this may give rise to a double dividend with long-term returns and countercyclical effects, thus lowering the risk of damage; calls on the Commission to carry out an analysis to determine which parts of public social expenditure can be considered as productive investment;
9. Considers, in this connection, that targeted social investments should be an important part of Member States' economic and employment policies and should be incorporated in the European Semester process, with a view to achieving the employment, social and educational objectives of the Europe 2020 strategy;
10. Welcomes, therefore, the Commission's call on the Member States to include social investments in their medium and long-term budgetary targets, as well as in their National Reform Programmes;
11. Reiterates that resources for social policies are not exclusively provided by the public sector;
12. Emphasises, therefore, that Member States should make more use of innovative approaches to financing, including participation by the private sector and financial engineering through instruments such as social impact bonds, public-private partnerships, microfinance, the social investment passport and policy-based guarantees;
13. Urges the Member States, therefore, also to involve social enterprises, since they can complement public-sector efforts;
14. Calls on the Commission, in this context, to consider developing a scoreboard for common social investment indicators, which would constitute a warning mechanism for monitoring progress in the Member States;
15. Welcomes the Commission's insistence on allocating at least 25 % of cohesion policy funding to human capital and social investment through the European Social Fund;
16. Calls on the Member States to ensure the efficient monitoring of social policy expenditure, in order to channel resources into targeted and efficient measures and avoid unnecessary administrative burdens;

### ***Sustainability***

17. Urges the Member States to modernise, and, where needed, structurally reform their social investment policies without delay, in order to offer the best possible services to citizens;
18. Stresses that the Member States should make their social investment policy sustainable and future-proof by improving the efficiency and effectiveness of the system and the resources available;
19. Emphasises that where they are willing to improve the sustainability of social investment policies, Member States should not necessarily 'spend more', but should 'spend more efficiently and effectively';
20. Calls on the Member States, therefore, to ensure that their social investment policy is target-oriented, and to undertake frequent monitoring of progress;

### ***Combating poverty and social exclusion***

21. Reiterates its call on the Commission to address in-work poverty, poverty among people with limited or no links to the labour market, and poverty among elderly people in its next country-specific recommendations; calls on the European Council to endorse the above guidelines as a priority;

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22. Stresses the important components of the European strategy for the active inclusion of people excluded from the labour market, namely sufficient income support, inclusive labour markets, and access to quality services; regrets that national active inclusion strategies are too often reduced to employment activation, excluding de facto people who are outside the labour market and for whom returning to it is not an option, for example owing to their age or functional limitations;

23. Reminds the Member States that active inclusion policies should:

- be consistent with a life-cycle approach to education, lifelong learning and social and employment policies;
- be tailor-made, targeted and needs-oriented, as well as being grounded in universal access and non-discrimination;
- be based on an integrated approach and be participative in nature;
- respect the prior conditions which are essential to allow participation while not creating conditions that endanger a minimum living income; and
- follow, given the importance of local and regional circumstances, the direction of efforts made within the framework of the cohesion policy to achieve economic, social and territorial cohesion;

24. Calls on the Member States to systematically assess the impact of austerity measures on vulnerable groups in the framework of active inclusion policies;

25. Calls on the Member States to ensure the quality of social services for those eligible for them, including their availability, accessibility and affordability, especially in the areas of health, long-term care, education, social housing, energy, water, transport and communications;

26. Stresses the need to raise the productivity of care delivery, reducing the incidence of frailty and disability and enabling the elderly to continue to manage independent living, even in case of functional limitations;

27. Calls on the Member States to consider the introduction of social default tariffs for vulnerable groups in fields such as energy, water and public transport;

28. Calls for the active involvement of organisations representing marginalised communities in the drafting and implementation of integration strategies for those communities, such as the national Roma integration strategies up to 2020;

29. Regrets the fact that in many Member States insufficient efforts are being made to integrate migrants; stresses the need to invest in appropriate programmes and services and in efficient information systems regarding access to these programmes, in order to facilitate the integration of migrants and reduce the risk of social exclusion;

30. Calls on the Commission to draw up a concrete and detailed roadmap for the implementation of active inclusion strategies; stresses that this roadmap should specify timelines and realistic targets, on the basis of specific indicators and detailed dialogue between the interested parties, and should be closely monitored through the Open Method of Coordination, with relevant tools and procedures being available in case of non-compliance;

***Combating child poverty***

31. Welcomes the Commission's recommendation on child poverty, as announced in its communication entitled 'Platform against Poverty and Social Exclusion: a European framework for Social and Territorial Cohesion'; further recalls the rights of the child as enshrined in the Charter of Fundamental Rights of the European Union;

32. Welcomes the comprehensive approach promoted in the recommendation, which is based on the three pillars of access to adequate resources, access to high-quality services and participation in society and decision-making, and which recognises children as rights holders;

33. Reiterates that all children and young people have the right to education under the UN Convention on the Rights of the Child, including children and young people who do not have a residence permit in the countries in which they reside;

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34. Stresses that the fight against child poverty must focus on prevention and early intervention rather than reaction, and should be based on the guiding principle of equal access to high-quality early childhood education and childcare services;
35. Encourages, in this context, moves to establish more facilities for children, such as activity centres open during both termtime and holiday periods, as well as extracurricular cultural and sports activities, with meals provided;
36. Stresses the need for adequate financial resources for these services, and in particular for policies to support poor and vulnerable families, such as families with children with disabilities, single-parent families and families with large numbers of children;
37. Highlights the importance of the parent-child relationship and of the necessary support for parents to help them fulfil their parental responsibilities, thus preventing children being separated from their parents and placed in care as a consequence of severe poverty;

### ***Confronting homelessness***

38. Welcomes the Commission's Staff Working Document on 'Confronting Homelessness';
39. Recalls Parliament's request for a concrete and detailed roadmap for the implementation of the EU Homelessness Strategy;
40. Stresses that investment in social housing, besides its crucial role in alleviating the consequences of poverty, should be considered as a social investment which leads to decent job creation and sustainable growth in the long term;
41. Calls on the Member States to remove unnecessary administrative burdens affecting applications for social housing, and to eliminate any discrimination against minorities or vulnerable groups, in order to ensure equal access for all;
42. Recalls that energy costs typically represent a large part of household expenses, and therefore calls on the Member States to strengthen their policies in support of household energy efficiency;
43. Calls on the Member States to prepare specific programmes for the homeless, based on the assessment of local situations, and to place particular emphasis on housing and longer-term assistance for vulnerable persons and marginalised communities, rather than only on the provision of temporary accommodation;

### ***Youth employment***

44. Stresses that investment in youth employment must be a key component of national social investment strategies;
45. Urges the Member States to take strong measures to fight youth unemployment, in particular through preventive action against early dropout from school or from training or apprenticeship schemes (e.g. by implanting a dual educational system or other equally efficient types of framework), and to develop comprehensive strategies for young people who are not in employment, education or training (NEETs);
46. Stresses that social investment in favour of NEETs would reduce the present loss to the economy caused by the disengagement of young people from the labour market, which is estimated by Eurofound to amount to EUR 153 billion, or 1,2 % of EU GDP;
47. Regrets the failure of the current social investment policy to lay sufficient stress on the need to focus resources in priority on the long-term unemployed, young unemployed people, and older workers at risk of becoming long-term unemployed;
48. Notes that social investment in youth may take a wide range of forms, including: developing partnerships between schools, training centres and local or regional businesses; providing targeted quality training and high-quality youth internship programmes; vocational schemes in cooperation with enterprises; senior employee sponsorship schemes aimed

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at the recruitment and training of young persons on the job or at securing a better transition from education to work; encouraging young people's participation in society; and promoting regional, European and international mobility, by means of further progress towards the mutual recognition of qualifications and skills; also stresses that social investment can go hand in hand with efficient incentives, such as employment subsidies or insurance contributions for young people that will guarantee decent living and working conditions, in order to encourage public and private employers to hire young people, invest in both quality job creation for young people and continuous training and upgrading of their skills during employment, and support entrepreneurship among youth;

49. Stresses the need to enhance the coordination of national social security systems, especially pension systems, in order to encourage mobility;

50. Stresses the need for statistical information that is comparable between Member States on youth unemployment and labour market expenditure for young people;

### ***Job creation and labour markets***

51. Warns that austerity measures can compromise the quality of employment, social protection and health and safety standards, and stresses that they should accordingly be accompanied by measures aimed at sustaining adequate standards;

52. Stresses the importance of lifelong learning in strengthening people's capacity to participate in society and the labour market, up to the legal retirement age and, if desired, even longer;

53. Reiterates its call on the Member States to adopt measures favourable to job creation as part of their social investment programmes, such as introducing labour-related tax reforms incentivising employment, promoting and supporting self-employment and business start-ups, improving the framework for doing business and facilitating access to financing for SMEs, transforming informal and undeclared work into regular employment, creating incentives to improve the employment level of the most vulnerable social groups, reforming labour markets in order to make them more dynamic and non-discriminatory, and integrating flexicurity and modernising wage-setting systems in order to align wages with productivity developments;

54. Stresses the need to exploit the job creation potential of innovative sectors under Horizon 2020, such as the sustainable non-carbon economy, health and social care and the digital, cultural and creative sectors, which should be supported with adequate investment in new skills and social investment instruments, making use of the concept of smart specialisation in order to align research and innovation strengths with market developments;

55. Points out that respect for the principles of flexicurity enables both adequate social protection for workers and access to training and career development, allowing the acquisition of new skills;

### ***Social entrepreneurship***

56. Welcomes the focus on social entrepreneurship and access to microfinance for, among others, vulnerable groups; stresses that these are crucial elements in the context of social investment, in that they not only allow the creation of new sustainable jobs and the development of the social and solidarity economy, but also enable social enterprises to generate and reinvest profits;

57. Stresses the need to ensure active and healthy ageing in a lifetime perspective, and to emphasise prevention and rehabilitation in order to reduce the incidence, postpone the onset, and reverse and mitigate the course of frailty, functional limitations and disability;

58. Regrets that the communication does not highlight the important role of the Grundtvig programme in preventing poverty and social exclusion and promoting social investment; calls on the Commission to raise awareness concerning lifelong learning programme opportunities, vocational education and training, and calls on the Member States to improve their quality and accessibility;

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59. Highlights the important role of EU financial instruments and of the European Social Entrepreneurship Funds in improving access to financial markets for social enterprises;

60. Calls on the Commission to consider the introduction of a common European framework for data publishing, which would guarantee transparent information on investments in social enterprises in Member States and encourage peer pressure;

61. Stresses that CSR should focus on both environmental and social standards with a view to securing responsible behaviour of companies;

### ***Gender dimension***

62. Welcomes the fact that the gender dimension is included in the Commission's Communication on Social Investment strategies;

63. Stresses that the supply of quality childcare and other care facilities plays a crucial role, since it enables women to enter the labour market and work full-time; calls on the Member States to organise sufficient childcare and other care facilities in order to allow the participation of both parents in the labour market, all the more since the availability of childcare places is at present rather unequal between Member States;

64. Joins the Commission in its call on the Member States to invest in services — such as affordable, full-time and high-quality childcare, all-day school places, care for the elderly and support for informal carers — that help promote gender equality, foster a better work-life balance for men and women (including paternity leave for men), and create a framework which makes it possible to enter or re-enter the labour market while ensuring equal pay for equal work for both men and women;

65. Reiterates the importance of gender-sensitive educational systems which offer children the possibilities of discovering their talents, thus avoiding gender segregation in the labour market in the long term;

66. Calls on the Member States to respect and foster gender equality as part of their national policies and National Reform Programmes (NRPs);

### ***EU funds***

67. Highlights the crucial role played by cohesion policy and the Structural Funds in promoting social investments; underlines in this context the significant contribution of the European Globalisation Adjustment Fund (EGF) in preventing poverty among workers hit by the crisis, and of the European Progress Microfinance Facility in supporting entrepreneurship by means of training, retraining and workforce measures aimed at getting people back to work;

68. Stresses that the Structural Funds should concentrate on priority areas that have a clear impact in terms of growth and jobs and are proposed as focuses for cohesion policy;

69. Stresses that the European Social Fund should become more clearly oriented towards active measures that actually meet employers' needs;

70. Welcomes the Commission's emphasis on the European Social Fund as the main instrument intended to foster social investment; strongly supports, in this respect, allocating at least 25 % of cohesion policy funding to the ESF and earmarking 20 % of ESF allocations in each Member State for promoting social inclusion and combating poverty;

71. Calls on the Member States to ensure that the Multiannual Financial Framework for 2014-2020 contains appropriate budgetary resources to stimulate and support social investments in the EU;

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72. Calls, as a matter of urgency, for the frontloading of the EUR 6 billion allocated for the new Youth Employment Initiative in the first years of the Multiannual Financial Framework in order to address youth unemployment and implement youth guarantees; stresses that the costs of implementing youth guarantees across the eurozone are estimated at EUR 21 billion by the ILO; calls, therefore, for the allocation to be revised upwards in the context of a revision of the Multiannual Financial Framework; welcomes the extension of the eligibility group for the youth guarantee to those aged under 30;

73. Welcomes the Commission's intention to explore the use of new financial instruments to increase the leverage of public social investments; calls on the Commission to come forward with more detailed proposals on the matter;

### *Social dimension of EMU*

74. Considers that budgetary discipline in the eurozone should not be measured only by fiscal and macroeconomic benchmarks, but that this should be complemented, on an equal footing, by employment and social benchmarks as well as progress reports on structural reforms, the aim being to ensure an appropriate and efficient level of social investment and, therefore, the sustainability of a social European Union in a long-term perspective;

75. Urges the Commission, when considering how the social dimension of a genuine economic and monetary union can be strengthened, to address Member States' public investment needs, particularly those relating to the social and education targets under the Europe 2020 strategy;

76. Reiterates that a Social Package for Europe should promote the following:

- ensuring that the establishment of European economic governance is complemented by improved social governance, on a basis of full respect for the autonomy of the social partners and the importance of tripartite social dialogue;
- definition of instruments for the swift introduction of a European Youth Guarantee; a quality framework for internships and apprenticeships; decent and accessible public services; decent living wages with national minimum incomes preventing in-work poverty; social protection and portability of pension rights; access to affordable and adequate social housing; a social protection floor to guarantee equal access to essential health services regardless of income; the implementation of a social protocol to protect fundamental social and labour rights; equal pay for male and female workers for equal work or work of equal value; and a renewed health and safety strategy;
- a new legislative initiative on the right of national parliaments to require a legislative initiative from the Commission as a 'green card', on the basis of Article 352 TFEU;
- new rights for national parliaments to require a legislative initiative from the Commission as a 'green card' through a treaty change;
- ensuring appropriate resources for social investment, including the allocation of 25 % of cohesion policy funding to the ESF.

77. Calls on the Member States, where unjustified blocking minorities are preventing necessary progress, to expand the principle of enhanced cooperation to social and employment policies;

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

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P7\_TA(2013)0267

**Regional policy as a part of wider State support schemes****European Parliament resolution of 12 June 2013 on regional policy as a part of wider State support schemes (2013/2104(INI))**

(2016/C 065/08)

*The European Parliament,*

- having regard to Articles 174 et seq. of the Treaty on the Functioning of the European Union (TFEU), which establish the objective of economic, social and territorial cohesion and define the structural financial instruments for achieving this,
- having regard to Article 107(3) (a) and (c) TFEU, which provide for the eligibility for regional State aid to promote the economic development of certain disadvantaged areas in the European Union,
- 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 Council Regulation (EC) No 1083/2006 (COM(2012)0496), as amended (COM(2013)0146),
- having regard to its resolution of 17 January 2013 on State aid modernisation <sup>(1)</sup>,
- having regard to the Opinion of the Committee of the Regions No 2232/2012 of 1 February 2013 on the regional State aid guidelines for 2014-2020,
- having regard to the Opinion of the European Economic and Social Committee INT/653 of 26 March 2013 on the internal market and State aid for the regions,
- having regard to the Commission Guidelines on national regional aid for 2007-2013 <sup>(2)</sup>,
- having regard to the Commission communication of 8 May 2012 entitled 'EU State aid Modernisation (SAM)' (COM(2012)0209),
- having regard to the decision of the Commission, C(2012)7542, in the case SA 33243 Jornal da Madeira,
- having regard to the Commission's 'Paper of the services of DG Competition containing draft guidelines on regional State aid for 2014-2020' <sup>(3)</sup>,
- having regard to point 57 of the European Council Conclusions on the Multiannual Financial Framework (7—8 February 2013 — Regional Aid) <sup>(4)</sup>,
- having regard to the communication from the Commission to the Member States of 1998 on 'the links between regional and competition policy — reinforcing concentration and mutual consistency' (COM(1998)0673),
- having regard to the judgment of the Court of Justice of the European Union in Joint Cases T-443/08 and T-455/08T (Mitteldeutsche Flughafen and Flughafen Leipzig/Halle v Commission),
- having regard to the Commission communication entitled "'Think Small First"- A "Small Business Act" for Europe', (COM(2008)0394),

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0026.

<sup>(2)</sup> OJ C 54, 4.3.2006, p. 13.

<sup>(3)</sup> Brussels, 2012 (no date).

<sup>(4)</sup> EUCO 37/13, 8.2.2013, p. 22.

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- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Regional Development and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Employment and Social Affairs (A7-0204/2013),
- A. whereas the Commission is carrying out the process of State aid modernisation (SAM), the objectives of which are to foster growth, focus on major cases, and simplify, streamline and hasten the implementation of the relevant rules;
- B. whereas the legal basis for the new proposals, as stipulated by Article 109 TFEU, provides only for the consultation of Parliament and not for the ordinary legislative procedure; whereas Parliament has no say in the adoption of the guidelines on regional State aid for 2014-2020;
- C. whereas the ordinary legislative procedure on the Cohesion Policy legislative package on the European Structural and Investment Funds for 2014-2020 has not yet been concluded;
- D. whereas the most common forms of State support schemes take the form of grants and subsidies, tax deductions, waivers, incentive awards, soft loans, guarantees, preferential borrowing rates and equity participation granted by national, regional and local government, as well as by publicly controlled entities and through an increasing number of forms of public-private partnership;
- E. whereas there are a number of rules on State aid, as well as guidelines which apply at regional, sector-specific or horizontal levels, while the choice of which type of aid to apply is to a certain extent left to the discretion of the Member States;
- F. whereas, according to the Commission, the purpose of its Regional Aid Guidelines (RAG) is to promote a competitive and coherent single market, while at the same time ensuring that the distorting effects of aid are kept to a minimum;
- G. whereas State aid should complement and seek balance with the objectives of other EU policies, in particular Cohesion Policy;
- H. whereas the application and interpretation of State aid rules also depend heavily on the case-law of the Court of Justice;
- I. whereas the existence of a mechanism ensuring the effective implementation and application of EU State aid is one of the general ex ante conditionalities provided for in the draft set of regulations on Cohesion Policy for 2014-2020;
- J. whereas the ex post impact of State aid and State aid controls on Member States, regions and local authorities, as well as on companies, markets and the overall economy, has not been sufficiently assessed, as the Court of Auditors points out in its report entitled 'Do the Commission's procedures ensure effective management of State aid control?' <sup>(1)</sup>;
- K. whereas anxiety over administrative burdens is the main concern affecting beneficiaries when dealing with State aid or Cohesion Policy rules;

### ***Coordination of State aid rules and Cohesion Policy***

1. Welcomes the Commission's draft regional aid guidelines for 2014-2020 as an integral part of the State aid modernisation (SAM) programme; reiterates its support for an approach where the compatibility rules to assess State aid are rooted on common principles and are consistent across the General Block Exemption Regulation <sup>(2)</sup> (GBER) and the different guidelines; favours the adoption of simpler, predictable and more effective State aid control and enforcement rules based on sound economic analysis;

<sup>(1)</sup> Court of Auditors Special Report no. 15/2011: Do the Commission's procedures ensure effective management of State aid control?

<sup>(2)</sup> Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation), OJ L 214, 9.8.2008, p. 3.



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2. Takes the view that the implementation of both Cohesion Policy and the rules on State support schemes to reinforce local and regional investment and public-private partnerships are of key importance for promoting economic, social and territorial cohesion, regional and local development, smart, sustainable and inclusive growth, and job creation; is, however, concerned as to whether the State aid rules are consistent with the implementation of the European Structural and Investment Funds; urges the Commission, therefore, to ensure consistency of the SAM with the Cohesion Policy regulations 2014 — 2020, so that there are no major variations in treatment of areas belonging to the same category of region within the framework of Cohesion Policy;
3. Regrets that Article 109 TFEU — the Treaty basis for the enabling regulation and, indirectly, the GBER — provides only for consultation of Parliament, not codecision; believes that this democratic deficit cannot be tolerated; proposes that this deficit be overcome as soon as possible, through interinstitutional arrangements in the field of competition policy, and corrected in the next Treaty change; points out that the Commission blueprint for a deeper Economic and Monetary Union foresees proposals for a Treaty change by 2014; deems that such a proposal should include, inter alia, a specific proposal amending Article 109 TFEU in order to adopt the regulations referred to in that Article in accordance with the ordinary legislative procedure;
4. Encourages the Commission to continue to issue soft law guidelines in the field of competition policy, in particular on State aid, duly taking into account the existing Court of Justice case law, in order to ensure some legal certainty for the stakeholders;
5. Underlines the fact that the primary role of State aid control is to ensure a level playing field in a competitive and coherent internal market; fully supports the SAM overall aim of tailoring State aid rules to the need to promote economic growth in the EU; notes that it is particularly relevant to promote economic growth in the most disadvantaged regions of the EU, keeping distortive effects of aid within the internal market to a minimum;
6. Emphasises that the State aid rules, as well as the Cohesion Policy objectives, should lead to improving the situation of the regions and the most disadvantaged areas, and that the SAM process must reflect the objectives of cohesion throughout the EU, i.e. to contribute to the sustainable development of the regions and improve wellbeing; believes that the modernisation of competition rules needs to be grounded in full awareness of the impact of the rules at subnational level;
7. Calls on the Commission to ensure that promoting smart, sustainable and inclusive growth through State aid is implemented in overall consistency with credible strategies for long-term fiscal consolidation; suggests that the Commission take better account of links between State aid policies and fiscal surveillance in drafting Country Specific Recommendations, and calls on the Member States to take these links into account when drafting their Stability and Convergence Programmes and National Reform Programmes; underlines the need for a simplification of rules and for less, but better-targeted, State aid, keeping in mind that State aid is meant to be an exception, not the rule; emphasises the need to prevent and avoid subsidy races between Member States, particularly in times of tight budgetary constraints across the EU;
8. Believes that regional aid can only play an effective role if it is used sparingly and proportionately and is concentrated on the most disadvantaged regions of the EU, where it is needed the most; emphasises the structural contribution of aid to regional development, particularly in the current context of deep economic crisis; calls on the Commission to recognise that the crisis criterion of 'serious disturbance in the economy of a Member State' still applies in the real economy as well as in the financial sector, and to clarify and standardise the criteria for making this assessment;
9. Notes that there is a margin of overlap between Cohesion Policy structural funds and State aid to companies; highlights that a significant part of the expenditure under EU Cohesion Policy in the period 2014-2020 falls under the GBER and that not only the RAG but also other horizontal or sector-specific guidelines are relevant in this context; notes that all these State aid instruments have to be coherent among themselves and with the Cohesion Policy objectives, and that all these rules should ultimately ensure effective spending of public money and promote growth;

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10. Notes the importance of the GBER in the whole SAM process as a block exemption from the notification requirement for certain categories of aid can seriously reduce the administrative burden for Member States, while allowing the Commission to concentrate its resources on the most distortive cases and better prioritise its enforcement activities; believes, therefore, that the draft new GBER and its set of common principles should have been published by the Commission before any specific guidelines;

11. Welcomes the Commission's aim in the SAM process to make the principles clearer, more straightforward and easier; takes the view that these principles should be both well coordinated with other EU policies and sufficiently clear, predictable and flexible to meet the needs of certain Member States and their regions which are facing a time of crisis and severe economic hardship; reiterates its recognition of the role played by State aid and public investment in addressing the economic crisis and achieving the objectives of growth and employment; believes, in this regard, that the Commission should ensure that the aid intensities laid down in the future RAG are not applied to public subsidies from the European Structural and Investment Funds; expresses its concern that the proposal as published for consultation is not sufficiently evidence-based and could go against the objective of simplification;

#### ***Territorial coverage of regional State aid 2014-2020***

12. Notes that, contrary to other types of State aid which can be granted across the EU, regional aid should by definition have a limited geographical scope and population coverage;

13. Takes the view that the geographical zoning of the new RAG 2014-2020, however, should be preserved or should go beyond the current level of 45 %, and that the aid intensity should be maintained at the present level, given the political, economic and social situation in the Member States as well as the natural, geographic and demographic handicaps of certain regions; points out that, in the global context, the EU and EEA economies could be placed at a disadvantage relative to third countries benefiting from less stringent employment models or lower costs, thus jeopardising the attractiveness of the former; points out that in the disadvantaged areas of the EU necessary balance-sheet adjustments in the private sector, austerity-driven cuts in public finances and economic uncertainty are undermining investment and access to finance, thus increasing disparities across regions;

14. Is of the opinion that the new rules should not have a restrictive impact on investment in and growth of regions as they move from the less developed to the more developed category; is aware that certain regions eligible for State aid under the current system might not meet the zoning criteria of the RAG in the future period and might face exclusion from the zoning scheme; believes that those regions should have a special safety regime, similar to that for transition regions under Cohesion Policy, which would provide for more consistency between the Cohesion Policy regulations 2014 — 2020 and competition rules and would allow Member States to cope with their new situation; in this regard proposes that the regions considered as 'a' regions in the period 2007 — 2013 should have the predefined status of 'c' regions for the period 2014-2020; asks the Commission to ensure the possibility of increasing the maximum aid intensity in former 'a' regions including the statistical effect regions, and in 'c' regions, accordingly;

15. Highlights the role of State aid in economies which have been particularly hard hit by the crisis and for which public funding under Cohesion Policy might be the only source of investment; proposes, in this connection, that consideration be given to specific regional derogations outside the regional aid maps, to allow Member States to tackle the backlash effects of the crisis; points out that, as regards economic development, the period 2008-2010 and, as regards unemployment, the period 2009 — 2011 are to be used by the Commission as a basis for State aid eligibility, despite the fact that those years cannot yet constitute a measure for the territorial impact of the disruption caused by the crisis and by natural disasters; asks the Commission to act on the basis of more recent and specific data; proposes that, in order to avoid a gap, the Commission should extend the validity of the current RAG and regional maps by at least 6 months, since the new maps will not have been approved in time; welcomes the Commission's intention to carry out a mid-term review of the regional maps of the 'c' regions in 2017;

16. Calls on the Commission to consider the economic effects of its regional aid decisions in a wider geographical context as border regions can compete with the EEA territory for economic activity location; recommends that the Commission take this point into consideration in its EU neighbourhood policy and in negotiations with candidate countries;

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17. Recalls the position of the European Council, which has instructed the Commission to ensure that the particular situation of regions bordering convergence regions is accommodated for; highlights, therefore, the importance of a balanced approach to the designation of so-called 'a' and 'c' areas with a view to minimising the disparities in aid intensity between regions from different Member States sharing the same border; asks the Commission to ensure that regions ineligible for State aid that border on 'a' areas of another country are granted a specific allocation in terms of 'c' coverage; considers that this allocation should, by way of derogation from the overall coverage ceiling, be assigned to the Member States in addition to the allocation of predefined and non-predefined 'c' areas; insists that the difference in aid intensity between all categories of region and all sizes of company should be limited to a maximum of 15 %;

18. Draws the Commission's attention to the situation of the outermost and sparsely populated regions and of the island regions; proposes State aid as an adequate compensation for their insularity, remoteness, small size, difficult topography, climate and market-size limitations; asks for the alignment of the cohesion legislative package with the operating aid of the competition policy requirements for these territories; requests that the Commission clearly restates in the new RAG the principles of non-degressivity and non-limitation in time for operating aids in these regions; asks the Commission to clarify its definition of State aid granted to outermost regions, with specific reference to additional transport costs;

19. Calls on the Commission to include all NUTS 2 level regions consisting solely of an island or of several islands in the list of 'predefined "c" areas' covered by Article 107(3)(c) TFEU;

20. Proposes that the Member States should be allowed to use a broader set of parameters for determining regional disadvantages, so that besides low population density other criteria, such as geographical disadvantages, demographic handicaps or liability to natural disasters, are taken into account when determining spatial eligibility for State aid; takes the view that State aid represents a legitimate compensation for the handicaps of insularity, remoteness and small size of a territory, and that such a condition should be considered as an independent criterion for the purposes of the territorial coverage of regional State aid for 2014–2020, in order to enable island territories to overcome their structural handicaps and ensure the conditions for economic, social and territorial growth;

#### ***Administrative constraints of the State aid rules in the context of Cohesion Policy***

21. Believes that the application of State aid rules within the Cohesion Policy programmes could be better achieved by focusing on large-scale and better-targeted aid, simplified rules including the notification rules, and extension of the horizontal categories in the Enabling Regulation <sup>(1)</sup> and the scope of the block exemption rules in the GBER; recommends increasing the de minimis ceilings; points out that raising the de minimis threshold, especially for the agricultural, fisheries and transport sectors in the outermost regions and island territories could help them equalise their competitiveness with the mainland regions;

22. Reiterates its call on the Commission to provide promptly for clear guidance for assessing what is and is not State aid under the definition of Article 107(1) TFEU, as well as for detailed criteria for distinguishing between important and less important State aid cases as announced in the SAM roadmap;

23. Takes the view that with regard to the ruling of the Court of Justice in the Joint Cases *Mitteldeutsche Flughafen and Flughafen Leipzig/Halle v Commission*, it is important to guarantee a correct application of the State aid rules within the Cohesion Policy programmes in infrastructure projects used for economic activities, so as to ensure that local and regional authorities and/or their public entities are not faced with additional administrative burdens; stresses that the implementation of these projects should not be jeopardised by the demanding financial management rules, including the decommitment rules pertaining to Cohesion Policy and the complaint practice in the State aid procedure;

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<sup>(1)</sup> Council Regulation (EC) No 994/98 of 7 May 1998 (OJ L 142, 14.5.1998, p. 1).

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24. Reiterates, in order to ensure a simplified but consistent approach, its request for clarification regarding the assessment of the State aid granted under the Block Exemption Regulations by the Member States, since this is likely to present particular difficulties not only for SMEs but also for local and regional authorities and their entities under the Cohesion Policy programming for 2014-2020; stresses that simplification should not be sought at the expense of enforcement;

25. Highlights that the general ex ante conditionality regarding State aid within Cohesion Policy requires that the Commission should apply a more proactive approach to State aid cases, in particular if the size and scope of aid exempt from notification increases; endorses the Court of Auditors' view that the Commission should raise awareness concerning the obligation to notify, promote best practices, provide targeted information on the different types of notification, provide for the publication of a regularly updated section addressing frequently asked questions on its competition website, and set up a helpdesk for questions relating to the interpretation of the guidelines;

26. Believes that the Member States and regions should coordinate their activities with the Commission better, in terms of the quality and timeliness of the information they submit and the notifications they prepare; calls on the Member States to ensure the proper application of the State aid ex ante conditionality under Cohesion Policy, as well as better compliance with State aid rules at national level;

27. Calls on the Commission and the Member States to target their information campaigns regarding State aid rules specifically on regional and local bodies, many of which have only occasionally granted State aid and therefore have limited knowledge of the rules applying to it; calls on the Commission to take this into consideration when assessing the ex ante conditionality applying to State aid in Member States;

28. Calls on the Commission to ensure the administrative, legal and transparency obligations of application of the SAM rules remain as clear as possible; believes that certain newly proposed rules in the draft RAG for 2014-2020 — such as counterfactual scenarios, clear evidence that the aid has an impact on the investment choice, or the condition that work on the project must not start before a decision to award aid is taken by public authorities — which the Commission wishes to apply in the coming period, both to companies applying for incentives and to the Member States and their subnational government structures — are not compatible with the principle of simplification and 'debureaucratisation' as promoted under Cohesion Policy and other EU and national policies; reiterates that such rules may mean that certain projects will be excluded from investment aid or will never get off the ground; considers that the requirement of a regular assessment of the desirability of State aid in the outermost regions could jeopardise the security and predictability that are needed if investors and enterprises are to seek market opportunities in the regions concerned;

#### ***Attractiveness of regions and State aid rules***

29. Stresses the importance of ensuring clear and straightforward rules for regional as well as sector-specific State aid for attracting foreign direct investment to the EU and its regions and for ensuring their global competitiveness as well as their economic, social and territorial cohesion;

30. Welcomes the new proposed rules on transparency (paragraphs 127 and 128 of the draft guidelines); encourages the Member States to comply with these rules and to publish in a central website complete and accurate information about granted aid;

31. Urges the Commission to make access to State aid for SMEs in those most disadvantaged regions simpler and clearer, recognising the importance of those entities for regional development; at the same time, asks the Commission to step up enforcement efforts in bigger, potentially more distortive cases;

32. Acknowledges the problems regarding investment aid to large enterprises indicated by the Commission, given that evidence suggests a lack of incentive effect; believes that, although State aid should be primarily provided to SMEs, excluding large enterprises, a category which also includes family-owned enterprises exceeding the definition of SMEs or mid-cap companies, from State aid rules in areas covered by Article 107(3)(c) TFEU is not justified given their contribution to employment, the supply chains they create with SMEs, their common involvement in innovation, research and development, and their positive role in combating the economic crisis; takes the view that the presence of large

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undertakings is often key to the success of SMEs that benefit from clusters led by large companies and from their subcontracting activities; recalls that it was the Commission itself that recognised the contribution of investment by large enterprises to creating knock-on effects and to access for the EU to the world markets; stresses that a decision to exclude large enterprises in 'c' areas could lead to job losses, reduced economic activity in the regions, reduced regional competitiveness, reduced attractiveness for foreign investment and the relocation of companies to other regions either within or outside the EU; considers, therefore, that such companies should remain eligible for State aid in 'c' areas, subject to particular scrutiny following individual notification and to additional compatibility criteria concerning incentive effect and contribution to regional development through clusters and subcontracting;

33. Believes that the eligibility of large enterprises for State aid incentives should be determined not only on the basis of the size of the enterprise or the sector in which it operates, but also on the basis of the estimated number of jobs that could be created and preserved under the incentive, the quality and the sustainability of the jobs or project concerned and the long-term effects for the development of the region, including the social aspects; stresses that, in compliance with the principle of subsidiarity, decisions determining which particular projects have the highest potential to achieve the objectives of EU policies should be left to the Member States, the regions concerned and the local authorities;

34. Agrees with the Commission that it should be avoided that State aid leads to relocation of an activity from one site to another within the EEA; expresses doubts, however, about the proposed draft paragraphs 24-25 and 122-124, believing them to be insufficiently complementary to Cohesion Policy and incompatible with the objective of simplification; notes, in particular, that the figure of two years is necessarily arbitrary and that this rule may be impossible to enforce, as any causal link and the existence of a plan two years ahead will be difficult to prove; is concerned that this rule may favour non-European over European companies and that it may lead to relocation outside the EEA when an activity could otherwise be attracted by regional aid to the assisted area;

35. Notes the risks of relocation of companies granted State aid, both within and outside the EU, which are very real for the regions; notes the safeguard clause proposed by the Commission, which would oblige companies to maintain investment and jobs created in the area where the aid was awarded or, otherwise, reimburse the aid; draws the Commission's attention to the ongoing negotiation of the Cohesion Policy regulations for 2014-2020, and requests that the respective periods under Cohesion Policy and competition policy for maintaining investment and jobs by companies granted EU funds/State aid be aligned;

36. Expresses doubts also about the ineligibility for regional aid of 'firms in difficulties within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty' (paragraph 11 of the draft guidelines); believes that companies undergoing restructuring should not be exposed to more stringent measures, especially when a priori negative assessment of aid requests from these companies might lead to relocation outside the EU; points out that responsible company restructuring in today's uncertain and constantly changing business environment is the main measure to provide the long-term sustainability of investment, jobs and growth; notes that the proposed rule as drafted is not only inconsistent with helping firms affected by the economic crisis in assisted regions but also impossible to implement, given that those guidelines explicitly contain no precise definition of firms in difficulty; recalls its resolution of 15 January 2013 with recommendations to the Commission on information and consultation of workers, anticipation and management of restructuring <sup>(1)</sup> calling for a legal act on those matters, and requests that the Commission acts without delay;

37. Is convinced that it is essential that some margin of flexibility for the revision of the guidelines is kept, as mentioned in draft paragraph 177, in order to allow for any future required adjustments, since these guidelines are designed to cover a period of 7 years;

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<sup>(1)</sup> Texts Adopted, P7\_TA(2013)0005.

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

P7\_TA(2013)0268

## Annual report on competition policy

**European Parliament resolution of 12 June 2013 on the Annual Report on EU Competition Policy (2012/2306 (INI))**

(2016/C 065/09)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 101, 102 and 107 thereof,
- having regard to the Commission report on Competition Policy 2011 (COM(2012)0253) and the accompanying Commission staff working document (SWD(2012)0141),
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty<sup>(1)</sup>,
- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)<sup>(2)</sup>,
- having regard to the Commission communication of 13 October 2008 on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis<sup>(3)</sup> (the Banking Communication),
- having regard to the Commission communication of 5 December 2008 entitled ‘The recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition’<sup>(4)</sup> (the Recapitalisation Communication),
- having regard to the Commission communication of 25 February 2009 on the treatment of impaired assets in the Community banking sector<sup>(5)</sup> (the Impaired Assets Communication),
- having regard to the Commission communication of 23 July 2009 on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules<sup>(6)</sup> (the Restructuring Communication),
- having regard to the Commission communication of 17 December 2008 on a temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis<sup>(7)</sup> (the original Temporary Framework),
- having regard to the Commission communication of 1 December 2010 on a temporary Union framework for State aid measures to support access to finance in the current financial and economic crisis<sup>(8)</sup> (the new Temporary Framework, which ended on 31 December 2010),

<sup>(1)</sup> OJ L 1, 4.1.2003, p. 1.

<sup>(2)</sup> OJ L 24, 29.1.2004, p. 1.

<sup>(3)</sup> OJ C 270, 25.10.2008, p. 8.

<sup>(4)</sup> OJ C 10, 15.1.2009, p. 2.

<sup>(5)</sup> OJ C 72, 26.3.2009, p. 1.

<sup>(6)</sup> OJ C 195, 19.8.2009, p. 9.

<sup>(7)</sup> OJ C 16, 22.1.2009, p. 1.

<sup>(8)</sup> OJ C 6, 11.1.2011, p. 5.

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- having regard to the final report of 2 October 2012 by the High-level Expert Group on reforming the structure of the EU banking sector <sup>(1)</sup>,
- having regard to the Commission communication on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest <sup>(2)</sup>,
- having regard to the Commission decision of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest <sup>(3)</sup>,
- having regard to the Commission communication entitled 'European Union framework for State aid in the form of public service compensation (2011)' <sup>(4)</sup>,
- having regard to Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest <sup>(5)</sup>,
- having regard to the study of June 2011 commissioned by Parliament entitled 'State aid — Crisis rules for the financial sector and the real economy' <sup>(6)</sup>,
- having regard to the study of June 2012 commissioned by Parliament entitled 'Collective redress in Antitrust' <sup>(7)</sup>,
- having regard to the Commission staff working document entitled 'Public consultation: Towards a Coherent European Approach to Collective Redress' (SEC(2011)0173),
- having regard to the Commission communication entitled 'EU State Aid Modernisation (SAM)' (COM(2012)0209),
- having regard to the European Court of Auditors' special report No 15/2011 entitled 'Do the Commission procedures ensure effective management of state aid control?',
- having regard to the Commission guidelines on certain State aid measures in the context of the greenhouse gas emission allowance trading scheme post-2012 (hereinafter 'the ETS Guidelines') <sup>(8)</sup>,
- having regard to the Framework Agreement of 20 November 2010 on relations between the European Parliament and the European Commission <sup>(9)</sup> (hereinafter 'the Framework Agreement'), and in particular paragraphs 12 <sup>(10)</sup> and 16 <sup>(11)</sup> thereof,
- having regard to the Euro Area Summit Statement of 29 June 2012 <sup>(12)</sup>,

<sup>(1)</sup> [http://ec.europa.eu/internal\\_market/bank/docs/high-level\\_expert\\_group/report\\_en.pdf](http://ec.europa.eu/internal_market/bank/docs/high-level_expert_group/report_en.pdf)

<sup>(2)</sup> OJ C 8, 11.1.2012, p. 4.

<sup>(3)</sup> OJ L 7, 11.1.2012, p. 3.

<sup>(4)</sup> OJ C 8, 11.1.2012, p. 15.

<sup>(5)</sup> OJ L 114, 26.4.2012, p. 8.

<sup>(6)</sup> <http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=42288>

<sup>(7)</sup> <http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=74351>

<sup>(8)</sup> OJ C 158, 5.6.2012, p. 4.

<sup>(9)</sup> OJ L 304, 20.11.2010, p. 47.

<sup>(10)</sup> 'Each Member of the Commission shall make sure that there is a regular and direct flow of information between the Member of the Commission and the chair of the relevant parliamentary committee.'

<sup>(11)</sup> 'Within 3 months after the adoption of a parliamentary resolution, the Commission shall provide information to Parliament in writing on action taken in response to specific requests addressed to it in Parliament's resolutions, including in cases where it has not been able to follow Parliament's views.'

<sup>(12)</sup> [http://consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/131359.pdf](http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/131359.pdf)

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- having regard to its resolutions of 22 February 2005 on ‘the Commission’s XXXIIIrd Report on Competition Policy — 2003’<sup>(1)</sup>, of 4 April 2006 on the Commission Report on Competition Policy 2004<sup>(2)</sup>, of 19 June 2007 on the Report on Competition Policy 2005<sup>(3)</sup>, of 10 March 2009 on the Reports on competition policy 2006 and 2007<sup>(4)</sup>, of 9 March 2010 on the Report on Competition Policy 2008<sup>(5)</sup>, of 20 January 2011 on the Report on Competition Policy 2009<sup>(6)</sup> and of 2 February 2012 on the Annual Report on EU Competition Policy<sup>(7)</sup>,
  - having regard to its resolution of 15 November 2011 on reform of the EU state aid rules on Services of General Economic Interest<sup>(8)</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on the Internal Market and Consumer Protection and the Committee on Transport and Tourism (A7-0143/2013),
- A. whereas competition policy based on the principles of open markets and a level playing field in all sectors is part of the EU genetic code, as well as being a cornerstone of the European social market economy, a tool at the service of European consumers in ensuring a socially and economically healthy internal market and in combating abusive practices by economic operators, and a key factor in ensuring the proper functioning of the internal market;
- B. whereas the free movement of goods, services, persons and capital has been essential for European growth;
- C. whereas the economic, financial and sovereign debt crisis began in autumn 2008 and worsened in 2011, resulting in a recession in the EU economy;
- D. whereas the Commission responded to the crisis by, among other measures, adopting special rules on state aid, and used competition policy as a crisis management tool; whereas this was, and still is, meant to be a temporary regime;
- E. whereas competition policy is essential in order to respond to the crisis and to support the Europe 2020 strategy and the single market, as well as progress towards a banking union, genuine economic and monetary union, and deeper integration and convergence;
- F. whereas protectionism would only deepen and prolong the crisis and strict enforcement of competition rules is essential to get the European economy back on track;
- G. whereas the Annual Report on Competition Policy should serve as an instrument for furthering the Union’s overall competitiveness by expanding competition and opening up to new actors, thereby widening and deepening the internal market, and should thus not relate exclusively to the practical implementation of competition policy by the Commission;
- H. whereas competition does not operate in an equally satisfactory manner in all Member States;
- I. whereas the sectors where the level of competition is inferior are often the very same ones in which there is underperformance in terms of economic output;

**General remarks**

1. Takes note of the Commission Report on Competition Policy 2011, and welcomes the fact that the new thematic structure addresses the topics raised by Parliament and allows the clear identification of priorities, objectives and action taken;

<sup>(1)</sup> OJ C 304 E, 1.12.2005, p. 114.

<sup>(2)</sup> OJ C 293 E, 2.12.2006, p. 143.

<sup>(3)</sup> OJ C 146 E, 12.6.2008, p. 105.

<sup>(4)</sup> OJ C 87 E, 1.4.2010, p. 43.

<sup>(5)</sup> OJ C 349 E, 22.12.2010, p. 16.

<sup>(6)</sup> OJ C 136 E, 11.5.2012, p. 60.

<sup>(7)</sup> Texts adopted, P7\_TA(2012)0031.

<sup>(8)</sup> Texts adopted, P7\_TA(2011)0494.



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2. Stresses that competition policy is a cornerstone of the European social market economy; underlines the importance of strengthening antitrust, state aid and merger control measures to ensure economic efficiency, a well-functioning internal market and social progress; also emphasises that better access for SMEs and the third sector and the related participation in the internal market call for an active competition policy that will remove existing barriers;
3. Calls for consistency between EU competition policy and all other EU policies, including sectoral regulation, in order to ensure that the internal market in products and services works well for citizens, the environment and businesses;
4. Calls on the Commission to undertake, in cooperation with national competition authorities, a thorough examination of distortions in the functioning of competition and their economic impact; asks the Commission to identify possible imbalances between Member States in this field, as well as their causes;
5. Stresses that the implementation of competition policy in the broader sense should not aim at strengthening established companies or providers of goods and services, but should, rather, have as its overarching objective the facilitation of the entry of new actors and the emergence of new ideas and techniques, thereby maximising the benefits to Union citizens;
6. Points out that the extension of the extraordinary state aid crisis regime was a decision imposed by circumstances, and that it has contributed to preventing further financial and economic instability, avoiding protectionism and providing a mechanism for bank restructuring and crisis resolution, all of which are particularly useful in programme countries which are facing serious problems;
7. Is concerned, however, at the fact that, while the state aid crisis regime was intended to be temporary in nature, it seems to have become not that temporary; notes that in its third consecutive annual report Parliament has emphasised the need to discontinue these temporary measures as soon as possible; regrets, furthermore, the fact that in some cases the approach has been failing, and insists that the lessons from previous interventions must be learned and practices adopted accordingly;
8. Maintains that banks receiving state aid must focus their business model on the viable part of their activities, improve access to credit for families and businesses, cap remuneration, and minimise the impact on unaided competitors and EU taxpayers; notes in this regard that there is a need to consider the proposals of the High-Level Expert Group on reforming the structure of the EU banking sector;
9. Stresses that the ongoing consolidation in the banking sector has actually increased the market share of several major financial institutions, and therefore urges the Commission to maintain a close watch on the sector in order to enhance competition in European banking markets,
10. Recalls the Euro Area Summit Statement of 29 June 2012; agrees that it is imperative to break the vicious circle prevailing between banks and sovereigns and to develop their commitments as a matter of urgency;
11. Asks the Commission strictly to enforce antitrust and merger control rules in order to achieve better-regulated, transparent, open and fair financial markets; appreciates its investigations in the over-the-counter (OTC) derivatives market, in particular in relation to credit default swap (CDS) trade data and services, payments services and the distribution of financial information to markets;
12. Calls on the EU competition authorities to work in cooperation with other jurisdictions and monitor the behaviour and market impact of large financial players and oligopolies such as credit rating agencies (CRAs), along with episodes of price volatility related to financial markets, and to give top priority to investigating the alleged rate-rigging at LIBOR, EURIBOR and TIBOR;
13. Believes that the above matters should be fully investigated, also to determine whether all the EU instruments have been used to prevent such occurrences; calls on the Commission, furthermore, to investigate the impact of such distortions in price development in sectors such as mortgage credit;

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### ***Supporting sustainable growth, jobs and competitiveness***

14. Recognises that competition policy is an essential tool for further developing and preserving the single market and is a key driver of productivity, efficiency and global competitiveness, playing a major role in supporting fair and open markets, sound public finances, and the Europe 2020 objectives for smart, sustainable and inclusive growth;

15. Emphasises that deepening the single market, the return of economic growth, the attractiveness of the European market at a global level, achieving the Digital Agenda and encouraging research and innovation all require strong competition, a healthy plurality of economic entities, and a proactive industrial policy; notes that all antitrust, state aid and merger control instruments are essential to improving market regulation, encouraging transparency and rebuilding the economy;

16. Expects the Commission to enforce competition policy effectively and to promote environment-friendly technologies and resources; believes that the new ETS guidelines should contribute to preventing carbon leakage, preserving price signals and minimising distortions; considers that the current low ETS price does little to promote climate-friendly technologies and is delaying the transition to a low-carbon economy;

17. Defends that public actions adopted to provide support to victims of extended fraud and illegal financial practices with the sole goal of avoiding further damages and restoring their rights should not be considered as state aid;

### ***Services of General Economic Interest (SGEIs)***

18. Notes that European citizens want a high-quality, area-wide and affordable supply of necessary and important public services, while increasing competition and promoting a more level playing-field between providers of those services, whether they are public or private; highlights that, to that end, safeguarding competition between different providers is crucial; stresses that the recent SGEI package could lead to a simpler, clearer and more flexible framework in this regard; emphasises the Commission's responsibility, under the TFEU competition rules, to ensure that the compensation granted to SGEIs is compatible with EU rules on state aid, in order to avoid imposing low-quality but expensive services on the public; expresses its concern with regard to exempting too many services from the scrutiny of competition authorities;

19. Calls on the EU competition authorities to monitor the pharmaceutical, health and insurance services markets (in particular the markets in generics and innovative medicines), identifying potential misuse of patent rights and discriminatory behaviour; notes that although the organisation of the healthcare sector and social protection fall primarily within the competence of the Member States, these services should be subject to control in order to preserve public finances and uphold competition law and the rights of EU citizens;

### ***Improving consumer welfare: sectoral developments***

20. Is concerned that since mid-2007 food prices have significantly increased, with high volatility in producer prices, recalling that consumer food prices make a major contribution to overall inflation; stresses that the new framework for collective bargaining in the value chain should be accompanied by the pro-competitive operation of producer organisations and by a platform for monitoring food prices; urges the Commission, in cooperation with national competition authorities, to thoroughly scrutinise competition in the agro-industrial sector in terms of support, transparency and consumer price evolution at all levels of the value chain; recalls that the benefits to consumers which can be achieved in the food sector can be multiplied by carrying out similar competitive reforms in all other sectors of the economy;

21. Stresses that services of both general economic interest (SGEIs) and general social interest (SGSIs) represent a significant share of total service provision in Member States, and that this implies that noteworthy gains can be accrued by making SGEIs and SGSIs more efficient; highlighting that, in this perspective, it is essential to ensure that the rules governing SGEIs and SGSIs prioritise protecting consumers;

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22. Highlights the major role played by speculation on food markets in causing price volatility; calls on the Commission to examine this issue on the Report on Competition Policy 2012 and to take initiatives to tackle speculation on food markets;
23. Calls on the Commission to look more closely at the beneficial role of producers' organisations and cooperatives in increasing small farmers' welfare and bargaining power in relation to upstream industry;
24. Looks forward to the European Competition Network (ECN) report on this subject; takes note of the fact that cereals and dairy products are the most investigated sectors in antitrust cases, and encourages the national competition authorities (NCAs) to step up their initiatives in this field; calls on the Commission to examine the European sugar sector, in which there was particularly high price inflation in 2011 and 2012;
25. Urges the Commission once again to pursue the full implementation of the internal energy market package; encourages it, insofar as an open and competitive single market in energy has not yet been fully achieved, to actively monitor competition in energy markets, specifically wherever privatisation of public utilities starts out from a system of monopolistic or oligopolistic markets;
26. Calls on the Commission to carefully examine developments on the EU air cargo and express services market; notes that the US operates a form of duopoly in the express market, and has in practice foreclosed the market to European competitors over the past ten years; concludes that further mergers in the sector would leave only one major European express and logistics company to compete, and that price competition on the internal market could be significantly impacted to the disadvantage of consumers;
27. Stresses that no level playing-field exists for European companies in the US aviation market, and that there is an obvious imbalance on the EU-US aviation market even today, since European cargo airlines are denied access to the US domestic market and struggle to compete under unfavourable conditions; emphasises that this unequal market access distorts competition and finally hurts the European logistics industry and its customers;

#### ***Promoting legitimacy and effectiveness for competition policy***

28. Supports an active role for Parliament in shaping competition policy, including co-legislative powers; considers that the Commission must be fully accountable and must follow up Parliament's resolutions; aims to reinforce the ongoing structured dialogue;
29. Calls on the Commission to continue acting impartially and objectively and to be open to improvements in competition procedures; defends procedural rights, including the right of undertakings to have access to the Commission's file prior to being heard;
30. Encourages the Commission to further promote a fair competition culture by identifying general principles and supporting companies' actions in this area, in particular by demonstrating greater interest and a more positive attitude towards compliance, as this will have a decisive preventive effect that is in the public interest;
31. Requests the Commission to take into consideration the use of Alternative Dispute Resolution and to present the long overdue proposal under the ordinary legislative procedure to facilitate individual and collective private actions for damage suffered by companies and consumers as a result of breaches of EU antitrust law; believes that such a proposal should promote competition while not encouraging unmeritorious litigation, cover minor and diffuse damages, and ensure full compliance with EU transparency rules, and that any exceptions in the context of the leniency procedures will be properly and specifically justified, with full coherence ensured with public enforcement;
32. Refers again to its earlier resolutions of 2 February 2012 on the Annual Report on EU Competition Policy and the idea of a possible Commission proposal on collective redress;

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33. Takes a positive view of cooperation within the European Competition Network (ECN) and with national courts with a view to ensuring the EU-wide effectiveness and coherence of competition policies; supports the effective sharing of responsibility between the ECN members, given that some markets tend to have more national dimensions than others owing to different legal, economic and cultural conditions; invites the Commission to promote convergence and cooperation agreements with other jurisdictions, including provisions for information exchange during investigations, under appropriate conditions;

34. Is aware of the Commission's high and rising workload in the area of competition enforcement, and reiterates, therefore, that the Commission needs more resources, especially via the allocation of existing resources, in order to be proactive and more effective in dealing with it;

35. Invites the Commission to foster a culture of competition both in the EU and internationally;

### ***Fining policy***

36. Recommends that the settlement procedure and, where appropriate, dissuasive and proportionate fines should be used, while avoiding the adverse economic and social consequences of driving stressed undertakings out of the market;

37. Notes that fines should not prevent companies from holding their executives and staff responsible internally to account; nor, where appropriate, should they prevent Member States from dealing with issues of criminal responsibility; calls on the Commission to consider and report on these aspects;

38. Is concerned that the use of fines as the sole instrument may be too limited, not least with a view to potential job losses as a result of inability to pay, and calls for the development of a wider range of more sophisticated instruments, covering such issues as individual responsibility, transparency and accountability of firms, shorter procedures, the right to defence and due process, mechanisms to ensure the effective operation of leniency applications (in particular to overcome the interference caused by discovery processes in the US), corporate compliance programmes, and the development of European standards; favours a 'carrot-and-stick' approach with penalties that serve as an effective deterrent while encouraging compliance;

39. Notes again that the method for setting fines is contained in a non-legislative instrument — the 2006 Fining Guidelines — and once again urges the Commission to incorporate a detailed basis for calculating fines, based on the principle of legality, into Regulation (EC) No 1/2003, along with new fining principles;

40. Reiterates its call for a general review of the Commission's fining guidelines, taking account of six years of practical experience; believes this review should examine the role of compliance programmes, specify the conditions under which parent companies exercising decisive influence over a subsidiary should be made jointly and severally liable for antitrust infringements on the part of their subsidiaries, and consider the issues of leniency, recidivism, the turnover cap, and the interaction between public and private liabilities;

41. Reiterates that the number of requests for fine reduction on account of inability to pay has increased, particularly from 'mono-product' undertakings and SMEs; affirms once again that a system of delayed and/or split payments could be considered as an alternative to fine reduction in order to avoid putting undertakings out of business;

42. Welcomes the fact that the Commission has taken account of the specific needs of 'mono-product' undertakings in its decision (COMP/39452 of 28 March 2012);

### ***Sector-specific considerations***

43. Calls on the Commission and the Member States to continue to make progress towards completing the single market in transport, while ensuring open and fair competition in the transport, postal and tourism sectors, and while respecting other Union policy objectives such as properly functioning transport and mobility services, policy objectives in the areas of public services, social standards, safety and environmental protection, and the EU targets for reducing CO<sub>2</sub> emissions and

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oil dependency; welcomes the announcement of a Single Market Act II, aimed at finally establishing the Single European Sky and continuing the opening-up of the rail market and the establishment of a single railway area;

44. Believes that the Commission should further strengthen the links between competition policy and transport policy in order to improve the competitiveness of the European transport sector;

45. Urges the Commission to be more proactive in promoting convergence of competition rules in international negotiations, so as to ensure a level playing field between the EU and third countries in the transport sector;

46. Stresses the importance of uniformly developing a European transport area and eliminating the development gaps between Member States' transport infrastructures and systems, in order genuinely to achieve a single European market and ensure fair competition in the field of transport;

47. Emphasises the impact that tax differences have on competition between the various modes of transport and on intermodal transport, and calls on the Commission to provide an overview of taxes and differing VAT systems for the various transport modes;

48. Stresses that if there is to be free and fair competition at European level, physical, technical and regulatory barriers between Member States must be removed, in particular through the development of interoperable and efficient trans-European networks;

49. Welcomes, in principle, the Commission's communication on passenger rights in all transport modes, but stresses that each mode of transport is inherently different and that any Commission proposal, while guaranteeing existing rights for passengers, must also ensure a proportionate and flexible approach which recognises the differences between modes;

50. Urges the relevant authorities, in the light of the EU-US Air Transport Agreement, to intensify their cooperation in working to develop compatible regulatory approaches to airline alliance competition issues, and to actively seek ways to make the major alliances compete more vigorously within the transatlantic market;

51. Calls on the Commission and the Member States to speed up the implementation of the Single European Sky legislation, with a view to making the pricing of services more transparent, thereby facilitating the monitoring of compliance with competition rules and maximising competitiveness and safety in the European hub, and to continue working to foster competitiveness in European airports for the benefit of both the economy and passengers;

52. Invites the Commission to provide an evidence-backed overview of cases where air carriers are at an advantage with regard to other service providers through special conditions or, as alleged, abuse their dominant position at certain airports, in particular through the imposition of a 'one bag' rule and other restrictions on cabin baggage allowances;

53. Considers that commercial activities are a major source of income for airports, and that such aggressive practices may constitute an abuse of a carrier's dominant position;

54. Urges the Commission to strengthen monitoring of the trading, use and allocation of slots at European airports, in order to ensure fair competition as well as protection of regional connectivity across Europe;

55. Calls on the Commission to monitor the measures affecting low-cost air operators, in order to ensure that they are not instruments of unfair competition;

56. Urges the Commission, when dealing with the revision of the EU aviation and airport state aid guidelines, to ensure that there is no distortion of competition and to establish a level playing field for all market participants;

57. Points out that limited progress has been made in liberalising Europe's rail sector, and that this state of affairs puts rail transport at a disadvantage with regard to other means of travel, especially considering the issues related to the competitiveness of the sector across Europe;

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58. Urges the Commission to complete the implementation of the Single European Railway Area by ensuring that the right conditions are in place in order to open up the sector to free and fair competition, including measures to enable efficient and innovative rail companies to operate without restrictions, a clear separation between infrastructure ownership and rail operators, strong national regulatory bodies, and the harmonisation of provisions governing staff; calls on the Commission to take account of the different operational models of national rail companies when preparing to open up domestic passenger rail markets, and to make specific proposals in order to put an end to the indirect restrictions on competition resulting from inconsistent provisions on safety, interoperability and authorisation;
59. Calls on the Commission and the Member States to guarantee the opening-up of the rail transport sector to fair competition, as well as to ensure a better quality of services, without compromising public service provisions;
60. Stresses that the further opening-up of the EU road haulage market can only be acceptable if a level playing-field between transport undertakings is guaranteed and the protection of social legislation and of the working conditions of mobile workers is safeguarded in all Member States;
61. Stresses the need to avoid unfair competition within the liberalised road transport sector by guaranteeing the proper application of social, safety and environmental rules, with special attention to the opening of this market for cabotage and to dumping practices;
62. Calls on the Commission to make specific proposals, in cooperation with the Member States, to eliminate the considerable differences which exist between Member States in terms of penalties for serious breaches of Community law in road transport, thus putting an end to those distortions of competition;
63. Calls on the Member States to implement the third Postal Directive; encourages the Commission to examine closely and report on the social consequences of the liberalisation of the postal market and the universal service obligation in this field, including the financing of the universal service;
64. Calls on the Commission, having regard to the Treaty of Lisbon, the new consolidated competencies and the economic potential of tourism for the EU, to facilitate proactive cooperation among tourism enterprises and to take the necessary measures to ensure the worldwide competitiveness of EU tourism excellence destinations; calls on the Commission to speed up the procedures of the legislative proposal on travel packages in order to ensure adequate competition and guarantee a clear free market in the European tourism sector;
65. Takes the view that enforcement of the law on state aid should seek to achieve the objectives set out in the EU 2020 Strategy, in particular by enabling investment in the real economy and fostering a greater concentration of resources on research, innovation and sustainable development;
66. Notes that the European market in electronic payments is still fragmented, both across and within national borders; encourages the necessary measures and enforcement to ensure a more open, transparent, innovative and competitive single market in payments, in such a way that it brings advantages and choice to all consumers with regard to card, internet and mobile payment options and mobile wallets, interoperability, costs and portability; asks the Commission, therefore, to assess the possible ways of bringing new entrants into the European market for card, internet and mobile payments while protecting future technological innovations in this sector; believes that the supervision of multilateral interchange fees needs to be strengthened, and welcomes the proposals set out in the Single Market Act II relating to a revision of the Payment Services Directive and a legislative initiative on multilateral bank charges;
67. Approves the Commission's intention to remain vigilant with regard to the transparency of financial markets, but believes that an extra effort is needed to ensure that timely, reliable and high-quality information is provided, especially for the derivatives markets;
68. Believes that competition between companies must take place within a framework that ensures that consumer rights are effectively respected, and that a collective redress system and an alternative dispute resolution system are vital tools for this purpose;

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69. Points out that it is the Commission's practice only to assess the misuse of a company's market position; believes that in some markets this is not enough to prevent the risk of cartel agreements; requests the Commission to examine how to assess how to minimise the danger of cartels and maximise competition; calls on the Commission to put forward clear and transparent guidelines for competition policy which take account of these principles;

70. Urges the Commission to pursue the full implementation of the internal energy market package, given that an open and competitive single market in the energy sector has not yet been fully achieved; encourages it to actively monitor competition in energy markets, specifically whenever privatisation of public utilities originates in monopolistic or oligopolistic markets;

71. Notes that the lack of effective legal provisions for compensation for damage caused by breach of competition rules works to the disadvantage of consumers, and that fines for such breaches are paid solely to the benefit of the public budgets of the Member States;

72. Calls on the Commission to ensure a fair balance of bargaining power between manufacturers and distributors, while emphasising the following:

- the importance of combating discriminatory practices in the field of online distribution as governed by the Vertical Restraints Block Exemption Regulation (Commission Regulation (EU) No 330/2010), so as to safeguard the ability of distributors to use innovative distribution methods such as online platforms and to reach a greater number and variety of customers;
- the importance of dealers on the markets for the sale of new motor vehicles following the expiry of Commission Regulation (EC) No 1400/2002 on 31 May 2013; asks the Commission to insist on the need to develop principles of good conduct between manufacturers and dealers with regard to vertical agreements in the motor vehicle sector, particularly with regard to the protection of investments after termination of a contract and the possibility of transferring a business to another member of the same brand network, in order to promote transparency in commercial and contractual relations between the parties;

73. Welcomes, in this context, the efforts made by stakeholders in the food supply chain to agree on principles of good practice in B2B relations and on implementing measures in respect of free and fair competition; calls on the Commission to maintain its commitment to monitoring the implementation of these principles, as will Parliament through its yearly Retail Roundtable;

74. Recognises that franchising is a good formula enabling independent retailers to survive in a highly competitive environment; calls on the Commission to monitor developments in relations between franchisers and franchisees, ensure a fair balance of bargaining power between them, and, if appropriate, come forward with legislative proposals;

75. Considers that, alongside its relationship with Parliament and with the European Economic and Social Committee, the Commission should also ensure a better structuring of its cooperation with consumer organisations, and that this relationship should be considered an important aspect of the monitoring of competition rules; for this reason, the dialogue between the Commission's DG Competition and those organisations should be encouraged and stepped up;

76. Welcomes the state aid policy, which has helped stabilise the financial system when applied to banks; calls on the Commission to extend the assessment of the proper functioning of the single market to include state-owned long-term investment banks, including the European Investment Bank;

77. Believes that media ownership and management should be transparent and not concentrated; calls on the Commission to assess how existing competition rules relate to the increasing concentration of commercial media in the Member States; also calls on the Commission to apply the competition rules and to intervene where there is excessive media concentration and where media pluralism is in danger; calls for rules to ensure that conflicts of interest are properly addressed and resolved;

78. Calls on the Commission to better integrate competition policy with respect to the employment targets of the EU 2020 Strategy, allowing better support for SMEs, which are the main job creators;

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79. Calls on the Commission to make a specific reference to the impact of competition policy on employment and social affairs in future Annual Reports.
80. Points out that competitiveness in the EU will be achieved through innovation and the contribution of highly skilled workers while not undermining the level of wages and/or pensions, by encouraging high social standards in all Member States, and by strengthening domestic demand; calls on the Member States, therefore, to make greater investment in education, vocational training and research and development;
81. Calls on the Member States to pursue an active and integrative labour market policy in order to strengthen the competitiveness of the Union's economies and to offer those seeking work secure and sustainable quality jobs;
82. Welcomes the Commission's approach to defining SGEIs by introducing measures for the integration/reintegration of workers on the labour market under the heading of services of particular interest to citizens;
83. Calls on the Commission to give prior attention to the assessment of future developments regarding employees of companies that are undergoing restructuring and privatisation, recalling that during the privatisation process the employment component must remain a core concern for national governments as well as for the Commission;
84. Calls on the Commission to continue monitoring the implementation of state aid rules, given that the spillover effects of the crisis are still present, and underlines the need to preserve services of general interest in the Member States;
85. Calls on the Commission to continue reporting to Parliament, on an annual basis, on developments and effects in the application of competition policy.

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86. Instructs its President to forward this resolution to the Council, the Commission and the national competition authorities (NCAs).

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P7\_TA(2013)0269

### **Preparations for the European Council meeting (27—28 June 2013) — Democratic decision making in the future EMU**

**European Parliament resolution of 12 June 2013 on strengthening European democracy in the future EMU (2013/2672(RSP))**

(2016/C 065/10)

*The European Parliament,*

— having regard to Rule 110(2) of its Rules of Procedure,

- A. whereas in its resolution of 23 May 2013 on 'future legislative proposals on EMU: response to the Commission communication' <sup>(1)</sup>, Parliament takes the view that formal *ex ante* coordination of economic policy reforms at EU level should be: (i) strengthened on the basis of the Community method, (ii) aligned with the instruments of the European Semester for economic policy coordination, and (iii) designed in conjunction with new solidarity- and incentive-based instruments;
- B. whereas mechanisms to be put in place for *ex ante* coordination should apply to all euro area Member States and be open to all Member States of the Union;

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0222.



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- C. whereas in its aforementioned resolution of 23 May 2013, Parliament takes the view that any proposed new Convergence and Competitiveness Instrument (CCI) should be adopted in accordance with the ordinary legislative procedure, be based on the Community method and provide for proper scrutiny by Parliament; whereas Parliament points out that such a mechanism should be funded by means of a new facility triggered and governed under the Community method as an integral part of the EU budget, but over and above the Multiannual Financial Framework (MFF) ceilings, so as to ensure that Parliament is fully involved; whereas it agrees with the Commission that CCIs are the first building blocks of a genuine fiscal capacity that supports solidarity and the implementation of sustainable, growth-enhancing structural reforms;
- D. whereas the Commission should put forward proposals immediately, in accordance with the ordinary legislative procedure, to transpose into secondary legislation the commitments made by the Heads of State or Government on 28 June 2012 in relation to a 'growth and job compact';
- E. whereas in its aforementioned resolution of 23 May 2013 Parliament stresses the need for the adoption, under the European Semester, of a convergence code based on the Europe 2020 strategy and including a social pillar;
1. Finds the overwhelming general lack of ambition being demonstrated by the Council in its response to the crisis to be of very great concern; is worried, furthermore, about the negative influence that national electoral cycles are having on the Union's ability to take autonomous decisions; deplores the further postponing of all decisions on the future architecture of the EMU; likewise deplores the fact that the European Council has twice delayed its anticipated decisions on the future of the EMU and that it may do so once again at the next summit;
  2. Is deeply concerned that democratic accountability in the EMU (the fourth building block) has not so far been tackled properly in the Council's deliberations; considers this entirely deplorable;
  3. Reiterates once again that any further initiative for a deep and genuine EMU based on stability, sustainable growth, solidarity and democracy must imperatively be established in accordance with the Community method; emphasises that the European institutions are required to practise sincere mutual cooperation; reminds the European Council that it does not have any Treaty-based prerogative of legislative initiative and that it must stop instructing the Commission on the form and/or content of any further legislative initiative and bypassing the Commission's coordinating, executive and management roles as laid down in the Treaties;
  4. Warns the European Council, in this connection, not to interfere unduly in the European Semester process, and to ensure that the agreed procedures are followed;
  5. Reiterates that it cannot accept any further intergovernmental elements in relation to the EMU and that it will take all necessary and appropriate action within its prerogatives if such warnings are not heeded; recalls that the 'fiscal compact' should be integrated into EU law within five years at the latest, on the basis of an assessment of the experience with its implementation, as stipulated in Article 16 of the Treaty on Stability, Coordination and Governance in the EMU;
  6. Recalls its fundamental position that the strengthened EMU should not divide the EU but, on the contrary, establish deeper integration and stronger governance, which should be open to all non-euro Member States on a voluntary basis;
  7. Reminds the Commission that it has the sole right of legislative initiative; is therefore perplexed as to why the Commission has not yet presented legislative texts based on the proposals contained in its 'Blueprint for a deep and genuine EMU' (COM(2012)0777) and the Commission declaration annexed to the 'Two-Pack' regulations; believes that if the Commission does not take such an initiative as a matter of urgency, it will be neglecting its political and Treaty-based responsibilities;
  8. Calls on the Commission to bring forward, under the European Semester, a proposal to adopt a convergence code based on the Europe 2020 strategy and establishing a strong social pillar; insists that National Implementation Programmes must ensure that the convergence code is implemented by all Member States, supported by an incentive-based mechanism;

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9. Recalls that Parliament's priority is to ensure that any new financial instrument linked to the Convergence and Competitiveness Instrument (CCI) is an integral part of the EU budget and is fully subject to the ordinary budgetary procedure;
10. Underlines the fact that the currency of the Union is the euro, that its parliament is the European Parliament and that the future architecture of the EMU must recognise that Parliament is the seat of accountability at Union level; demands that whenever new competences are transferred to, or created at, Union level or new Union institutions established, a corresponding degree of democratic control by, and accountability to, Parliament be ensured;
11. Reiterates its repeated demands that the European Stability Mechanism (ESM) be integrated into the Community *acquis* so that it can be managed in accordance with the Community method, and that it be made accountable to Parliament; asks the Commission to put forward a proposal to that end; reminds the Eurogroup that Parliament has received written assurances that the ESM will be subject to the scrutiny of Parliament;
12. Recalls that EU participation in the 'troika' system should be subject to democratic scrutiny by, and accountability to, Parliament;
13. Is extremely worried about the delays in setting up the Banking Union and the practical modalities of direct banking recapitalisation by the ESM; is, in particular, alarmed by the ongoing fragmentation of the EU banking system; emphasises that a robust and ambitious Banking Union is a key component of a deeper and genuine EMU, and a key policy on which Parliament has been insisting for more than three years, in particular since the adoption of its positions on the European Banking Authority regulation;
14. Insists that at the spring European Council the President of Parliament should present Parliament's views on the annual growth survey; takes the view that an interinstitutional agreement should be negotiated in order to involve Parliament in the approval of the annual growth survey and of the economic policy and employment guidelines;
15. Instructs its President to forward this resolution to the European Council and the Commission.

P7\_TA(2013)0270

## **Preparations for the European Council meeting (27—28 June 2013) — European action to combat youth unemployment**

**European Parliament resolution of 12 June 2013 on preparations for the European Council meeting (27—28 June 2013) — European action to combat youth unemployment (2013/2673(RSP))**

(2016/C 065/11)

*The European Parliament,*

- having regard to the Commission communication of 20 December 2011 entitled 'Youth Opportunities Initiative' (COM (2011)0933),
- having regard to the question for oral answer to the Commission and the accompanying resolution of Parliament of 24 May 2012 on the Youth Opportunities Initiative <sup>(1)</sup>,
- having regard to the Commission communication of 5 December 2012 entitled 'Moving Youth into Employment' (COM (2012)0727),
- having regard to its resolution of 16 January 2013 on a Youth Guarantee <sup>(2)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2012)0224.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0016.

Wednesday 12 June 2013

- having regard to the conclusions from the European Council of 7—8 February 2013,
  - having regard to the Council Recommendation of 28 February 2013 on Establishing a Youth Guarantee,
  - having regard to the Commission communication of 12 March 2013 on the Youth Employment Initiative (COM(2013) 0144),
  - having regard to its resolution of 14 March 2013 on the integration of migrants, its effects on the labour market and the external dimension of social security coordination <sup>(1)</sup>,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas in April 2013 23,5 % of young people in the EU are currently unemployed, with the rates ranging from 7,5 % in Germany and 8 % in Austria to 62,5 % in Greece and 56,4 % in Spain, indicating marked geographical differences;
- B. whereas 8,3 million Europeans under 25 are neither in employment nor in education or training (NEETs); whereas these figures continue to rise, posing the risk of a lost generation;
- C. whereas young people from particularly vulnerable backgrounds are at greater risk of exiting the education and training system without having obtained an upper secondary qualification;
- D. whereas 15 % of children leave school without completing secondary education, and 10 % of EU citizens are living in jobless households;
- E. whereas the first indications that a young person is likely to drop out of school are an early warning sign of a recurring cycle of poverty;
- F. whereas in 2011 the economic loss due to the disengagement of young people from the labour market was estimated at EUR 153 billion, corresponding to 1,2 % of EU GDP; whereas this represents a serious social and economic burden;
- G. whereas education and training policies can play a crucial role in combating the high level of youth unemployment and fundamentally support integration and participation; whereas more investment is required in vocational education and training, integration into learning structures, higher education and research; whereas up-skilling is essential to equip individuals for quality jobs in sectors of job growth such as green jobs, ICT and the care sector;
- H. whereas despite high overall levels of youth unemployment, certain sectors such as the ICT and health sectors are finding it increasingly difficult to fill vacancies with qualified personnel;
- I. whereas currently many policies affecting young people are developed without involving those concerned and other stakeholders;
- J. whereas by virtue of their emphasis on practical skills, the dual system of vocational training and the combined academic-vocational degree courses employed in some Member States have proved their worth during the crisis in particular, keeping levels of youth unemployment lower by making young people more employable;
1. Welcomes the fact that the European Council has acknowledged the importance of youth employment to Europe's prosperity; urges the European Council and Commission to step up their efforts to combat youth unemployment, as a part of a wider move to promote social rights and to address social imbalances within the European Union; stresses that the European Parliament will closely monitor progress and observe whether the promised measures are implemented, especially as regards the Youth Guarantee;

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0092.

**Wednesday 12 June 2013**

2. Urges the Commission and the Member States to take a rights-based approach to youth and employment; stresses that, particularly in times of high crisis, the quality of work for young people must not be compromised, and that core labour standards, as well as other standards related to quality of work, must be a core element;
3. Points out that the internal imbalances between Member States, especially as regards employment and social indicators pertaining to young people in particular, are widening; calls for immediate EU action to correct these imbalances in the framework of the European Semester;
4. Calls, in this context, on the Commission to develop common social investment indicators, especially regarding youth unemployment;
5. Insists that the solution to the urgent problem of youth unemployment lies in an improvement of the overall economic environment, such as strengthening the single market in services and the digital economy, furthering trade through free trade agreements, and promoting the interests of SMEs and microenterprises whilst upholding fundamental social rights; stresses that the most efficient tool to fight unemployment in the long run is sustainable economic growth; further believes that special measures focused on young people are important but the key remains to ensure that the EU relies on a strong, competitive and modern economy; welcomes short- and medium-term investments such as the Youth Employment Initiative, while drawing attention to the lack of any long-term structural measures and the absence of necessary reform to enable education systems in certain Member States to rise to future challenges with a view to ensuring employability;
6. Stresses the importance of enhancing voluntary mobility among young people by removing existing barriers for cross-border apprenticeships, traineeships and internships to better match supply and demand of work-based training opportunities for young people, particularly in border regions, and by enhancing the portability of pensions and labour and social protection rights across the EU, whilst taking the risk of brain drain into consideration; also calls on the Commission and the Member States to take all necessary steps to prevent the phenomenon of brain drain through sustainable measures which ensure that a good proportion of highly-skilled people in the labour force will either remain in their own communities or return to their Member States of origin so as to allow those Member States to achieve economic recovery and viable growth;
7. Calls on the Commission to draw up recommendations on the feasibility of defining a common level of unemployment allowance in the EU in relation with the previous wages of the unemployed person;

#### ***Youth Guarantee***

8. Welcomes the Council Recommendation of 28 February 2013 on Establishing a Youth Guarantee; calls for the swift implementation of Youth Guarantee schemes in all Member States; emphasises that the Youth Guarantee is not a job guarantee but an instrument ensuring that all unemployed EU citizens and legal residents up to the age of 25 years, and recent graduates under 30, receive a good-quality offer of employment, continued education or apprenticeship within four months of becoming unemployed or leaving formal education; stresses in particular that Youth Guarantee schemes should effectively improve the situation of young people who are not in employment, education or training (NEETs);
9. Calls on the Commission and Member States to develop clear objectives and indicators for the Youth Guarantee Scheme, in order to be able to effectively measure and evaluate the impact of this initiative; stresses that it intends to monitor closely all Member State activities to make the Youth Guarantee a reality and invites youth organisations to keep the European Parliament updated on their analysis of Member State actions;
10. Notes that Youth Guarantee schemes should be accompanied by a quality framework in order to ensure that training and jobs offered include appropriate pay, working conditions and health and safety standards;

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**EU funding**

11. Welcomes the EUR 6 billion allocated for the new Youth Employment Initiative and calls for a frontloading in the first few years of the Multiannual Financial Framework to address youth unemployment and implement youth guarantees as a matter of urgency; emphasises that the costs of implementing youth guarantees across the eurozone are estimated at EUR 21 billion by the International Labour Organisation and therefore calls for the allocation to be revised upwards as part of a revision of the Multiannual Financial Framework; welcomes the extension of the eligibility group for the Youth Guarantee under the age of 30;

12. Welcomes the proposed successor to the Progress Microfinance Facility included in the Programme for Social Change and Innovation for the period 2014-2020 as a valuable instrument also for young people, aiming at the creation of new, sustainable, quality jobs;

13. Emphasises that EU funding to fight youth unemployment is available before 2014 in particular by reprogramming available structural funds and making full use of the EUR 60 billion from the European Investment Bank as provided for in the Compact for Growth and Jobs; welcomes the reallocation and acceleration of EUR 16 billion of structural funds to support job opportunities for young people and to help SMEs access finance;

14. Calls on the Commission to actively ask for support and initiatives as well as other forms of cooperation with the private sector in tackling youth unemployment; encourages the European Investment Bank to contribute to the implementation of the Youth Guarantee, for instance by linking loans to the creation of jobs and training places, or supporting the development of dual education systems; stresses, however, that EIB loans should be seen as a supplement to and not a replacement for EU funding in the form of grants;

**Combating Youth unemployment at national level**

15. Stresses that investment in youth employment must be a key component of national social investment strategies;

16. Calls for an ambitious, holistic policy approach which looks at education, training, employment and self-employment initiatives, for all young people at all the various levels, in an integrated way; points out that it is essential to target the transition between the different educational and training pathways and recognise competences based on non-formal and informal learning; stresses that income security and trust in labour market prospects are essential pre-conditions for choosing higher education and that young people with a higher risk of exclusion are overly affected by this;

17. Is strongly concerned at the budget cuts being made by Member States in the fields of education, training and youth, and therefore emphasises the need for the educational systems of the Member States to be reformed, using national and EU resources, with a view to making youth education more cost effective and competitive;

18. Urges the Member States to take sweeping measures to fight youth unemployment, in particular through preventive action against early dropout from school or from training or apprenticeship schemes (e.g. by introducing a dual educational system or other equally efficient types of framework), and to develop comprehensive strategies for young people who are not in employment, education or training (NEETs);

19. Notes that social investment in youth may take a wide range of forms, including: developing partnerships between schools, training centres and local or regional businesses; providing targeted quality training and high-quality youth internship programmes; vocational schemes in cooperation with enterprises; senior employee sponsorship schemes aimed at the recruitment and training of young people on the job or at securing a better transition from education to work; encouraging young people's participation in society; and promoting regional, European and international mobility by means of further progress towards the mutual recognition of qualifications and skills; also stresses that social investment can go hand in hand with efficient incentives, such as employment subsidies or insurance contributions for young people that will guarantee decent living and working conditions, in order to encourage public and private employers to hire young people, invest in both quality job creation for young people and continuous training and upgrading of their skills during employment, and support entrepreneurship among young people;

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20. Calls on the Member States to consider tried and tested practices, especially those of Member States with low unemployment rates, and to explore whether concepts such as dual education and training and vocational schooling, as well as Youth Guarantee schemes that have already been implemented, might be compatible with their national systems; emphasises that the dual vocational training system and twin-track studies, with their focus on practical experience, have stood the test of the economic crisis particularly well, helping to reduce youth unemployment by making people more employable, and calls, therefore, on crisis-hit Member States to consider reforming their training systems along these lines;

21. Stresses that the crisis countries currently have extremely alarming rates of youth unemployment; therefore, calls on the Commission to assess crisis measures in terms of their impact on youth employment and calls on the Member States and the Commission to consider ending those crisis measures which have a negative impact on youth employment;

22. Calls on the Member States to improve cooperation between businesses and the educational sector at all levels with a view to improving the way in which curricula are linked to the demands of the labour market, for example by extending Sector Skills Alliances and Knowledge Alliances; stresses that more flexible curricula are needed in order to better adapt to future labour market developments;

23. Stresses the need for Member States to improve support for self-employment among young people while preventing insolvency and bogus self-employment;

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24. Instructs its President to forward this resolution to the Commission, the European Council and the Council.

P7\_TA(2013)0271

## **Deadlock on the revision of Regulation (EC) No 1049/2001**

**European Parliament resolution of 12 June 2013 on the deadlock on the revision of Regulation (EC) No 1049/2001 (2013/2637(RSP))**

(2016/C 065/12)

*The European Parliament,*

- having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,
- having regard to the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (COM(2008)0229),
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents (COM(2011) 0137),
- having regard to Article 15 of the Treaty on the Functioning of the European Union,
- having regard to its position of 15 December 2011 on the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents <sup>(1)</sup>,

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<sup>(1)</sup> Texts adopted, P7\_TA(2011)0580.

Wednesday 12 June 2013

- having regard to its resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010-2011) <sup>(1)</sup>,
  - having regard to the questions to the Council and Commission on the deadlock on the revision of Regulation (EC) No 1049/2001 on access to documents (O-00049/2013 O-00050/2013, O-00051/2013, O-00052/2013, O-00053/2013, O-00054/2013, O-00058/2013 and O-00059/2013),
  - having regard to the Commission statement of 21 May 2013 on the deadlock on the revision of Regulation (EC) No 1049/2001,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas transparency is an essential tool to enable citizens to participate in the EU decision-making process as well as in securing the accountability of the European institutions to their citizens and thereby increasing their engagement and trust;
- B. whereas the entry into force of the Treaty of Lisbon further enhanced EU transparency obligations and enshrined access to documents as a fundamental right;
- C. whereas Parliament has on several occasions called for enhanced transparency in the legislative procedure, including transparency in respect of Council working groups, publication of legal opinions in legislative procedures, and greater transparency in the ‘trilogues’;
- D. whereas Parliament has also regretted the lack of transparency in EU agencies, in international negotiations and in the Commission’s dialogue with Member States, notably when fundamental rights or the interests of European citizens are at stake <sup>(2)</sup>;
- E. whereas the case-law of the Court of Justice of the European Union and decisions of the European Ombudsman have substantially influenced understanding of Regulation (EC) No 1049/2001; whereas such case-law and decisions, especially as regards the use of non-recognition grounds in a legislative procedure, such as *Turco* and *Access Info*, should be reflected in the legislation;
- F. whereas Regulation (EC) No 1049/2001 is perceived by EU citizens and the EU public as a key piece of legislation which provides the tools for proper oversight of EU actions; whereas application of Regulation (EC) No 1049/2001 has still to be improved, as shown by several cases dealt with by the Ombudsman;
- G. whereas in 2008 the Commission proposed a recast of Regulation (EC) No 1049/2001, and whereas it did not withdraw this proposal following the entry into force of the Treaty of Lisbon; whereas Parliament duly informed the Commission about the inappropriateness of the use of the recast procedure;
- H. whereas in 2011 the Commission made an additional proposal which only implicitly extends the scope of Regulation (EC) No 1049/2001 to all EU institutions, offices, agencies and bodies; whereas Parliament merged the 2008 and 2011 procedures into a single procedure;
- I. whereas Parliament adopted its first-reading position on 15 December 2011, and trilogues were started with the Danish Presidency in the first half of 2012; whereas the Commission did not agree with the proposed possible compromises, which is the main reason for a standstill which has lasted more than a year;
- J. whereas the Cypriot and Irish presidencies were unable to unblock the matter in the Council and start further negotiations because of resistance from the Commission, which triggers a unanimity requirement in the Council on certain points;
- K. whereas, given the enhanced transparency obligations included in the Treaties following the entry into force of the Treaty of Lisbon, any revision of Regulation (EC) No 1049/2001 should not lower the current level of transparency;

<sup>(1)</sup> Texts adopted, P7\_TA(2012)0500.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0500, paragraph 18.

**Wednesday 12 June 2013**

- L. whereas a failure to agree on a new version of Regulation (EC) No 1049/2001 would send the wrong signal about the nature of the EU to its citizens, and whereas such a failure would undermine the legitimacy of EU decision-making, especially in the light of the fast-approaching key European elections;
1. Strongly reaffirms the importance of the fundamental right of access to information and documents, of transparency and openness of institutions and of their decision-making processes, which are pillars of democracy and can bring citizens closer to the EU;
  2. Calls on all EU institutions, offices, bodies and agencies to fully implement Regulation (EC) No 1049/2001;
  3. Considers that amending Regulation (EC) No 1049/2001 should be a priority for all the EU institutions, and regrets the deadlock that has been created; asks all the EU institutions to work together to find a way out as soon as possible;
  4. Reaffirms its commitment to revising Regulation (EC) No 1049/2001, which, taken overall, should give EU citizens wider and improved access to EU documents;
  5. Calls on the Commission to engage fully, at the political and the technical level, in the amending and 'Lisbonising' of Regulation (EC) No 1049/2001, or to take any appropriate measures to break the deadlock;
  6. Calls on the Council immediately to restart debates on Regulation (EC) No 1049/2001, to adopt its first-reading position and to continue negotiations;
  7. Reaffirms its above mentioned first-reading position as adopted on 15 December 2011 <sup>(1)</sup> as the starting position for negotiations and insists that an amended text, as an absolute minimum, and in accordance with the Treaty requirements, should: explicitly extend the scope to all EU institutions, offices and agencies; enhance legislative transparency, including access to legislative legal opinions, whereby any use of exceptions in the legislative procedure should constitute an exemption from the general rule of legislative transparency; clarify the relationship between transparency and data protection; include the Aarhus Convention; consider the current broad definition of a document as a minimum basis for further development; ensure appropriate access to documents and transparency in relation to international negotiations and agreements; provide for financial transparency of EU funds; not introduce any block exemptions;
  8. 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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<sup>(1)</sup> EP-PE\_TC1-COD(2008)0090.



Thursday 13 June 2013

P7\_TA(2013)0274

**Freedom of press and media in the world****European Parliament resolution of 13 June 2013 on the freedom of press and media in the world (2011/2081(INI))**

(2016/C 065/13)

*The European Parliament,*

- having regard to Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and the UNESCO Convention on the Protection of the Diversity of Cultural Expressions,
- having regard to Article 13 of the United Nations Convention on the Rights of the Child, recognising the right to freedom of expression of children,
- having regard to the resolution of the UN Human Rights Council of 28 March 2008 (7/36) extending the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression <sup>(1)</sup>,
- having regard to the reports of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue <sup>(2)</sup>, which also underline the applicability of international human rights norms and standards regarding the right to freedom of opinion and expression on the internet considered as a communications medium,
- having regard to the resolution of the UN Human Rights Council of 5 July 2012 entitled ‘The promotion, protection and enjoyment of human rights on the Internet’ <sup>(3)</sup>, which recognises the importance of human rights protection and the free flow of information online,
- having regard to the report of 21 March 2011 by the UN Special Representative on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, entitled ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’ <sup>(4)</sup>,
- having regard to UN Security Council Resolution S/RES/1738 of 23 December 2006 on attacks against journalists, media professionals and associated personnel in armed conflicts <sup>(5)</sup>,
- having regard to the Geneva Convention of 12 August 1949 <sup>(6)</sup>, in particular Article 79 of its Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict,
- having regard to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed on 12 April 2012 by the UN Chief Executives Board <sup>(7)</sup>,
- having regard to Resolution 1920(2013) of the Parliamentary Assembly of the Council of Europe, entitled ‘The State of Media Freedom in Europe’ and adopted on 24 January 2013,
- having regard to the work carried out by the Organisation for Security and Cooperation in Europe (OSCE) on media freedom, and in particular the reports of its Representative on Freedom of the Media,

<sup>(1)</sup> [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_7\\_36.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_36.pdf).<sup>(2)</sup> In particular, those of 16 May 2011 (A/HRC/17/27), 10 August 2011 (A/66/290), 4 June 2012 (A/HRC/20/17) and 7 September 2012 (A/67/357), available at: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>.<sup>(3)</sup> <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G12/153/25/PDF/G1215325.pdf?OpenElement>.<sup>(4)</sup> A/HRC/17/31, available at: [http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31\\_AEV.pdf](http://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf).<sup>(5)</sup> <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/681/60/pdf/N0668160.pdf?OpenElement>.<sup>(6)</sup> <http://www.un-documents.net/gc-p1.htm>.<sup>(7)</sup> [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official\\_documents/un\\_plan\\_action\\_safety\\_en.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official_documents/un_plan_action_safety_en.pdf).

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- having regard to the reports by NGOs on the media such as those by Reporters Without Borders (Press Freedom Indexes), Freedom House (Freedom of the Press reports), and the International Press Institute (Death Watch and Annual IPI World Press Freedom Review),
- having regard to its resolution of 6 February 2013 on ‘Corporate social responsibility: promoting society’s interests and a route to sustainable and inclusive recovery’ <sup>(1)</sup>,
- having regard to its resolution of 6 February 2013 on ‘Corporate social responsibility: accountable, transparent and responsible business behaviour and sustainable growth’ <sup>(2)</sup>,
- having regard to its resolution of 13 December 2012 on the Annual Report on Human Rights in the World and the European Union’s policy on the matter <sup>(3)</sup>,
- having regard to its resolution of 22 November 2012 on the World Conference on International Telecommunications (WCIT-12) of the International Telecommunication Union, and the possible expansion of the scope of international telecommunication regulations <sup>(4)</sup>,
- having regard to its resolution of 11 December 2012 on ‘A Digital Freedom Strategy in EU Foreign Policy’ <sup>(5)</sup>,
- having regard to the Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012) adopted by the Council on 25 June 2012,
- having regard to its recommendation to the Council of 13 June 2012 concerning the EU Special Representative for Human Rights <sup>(6)</sup>,
- having regard to the declarations made by High Representative Catherine Ashton on behalf of the European Union on the occasion of World Press Freedom Day <sup>(7)</sup>,
- having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission to the European Parliament and the Council of 12 December 2011 entitled ‘Human Rights and Democracy at the Heart of EU External Action — Towards a more effective approach’ (COM(2011)0886),
- having regard to the communication of 12 December 2011 by the Commissioner for the Digital Agenda on the ‘No Disconnect Strategy’ <sup>(8)</sup>,
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 25 October 2011 entitled ‘A renewed EU strategy 2011-2014 for Corporate Social Responsibility’ (COM(2011)0681),
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation <sup>(9)</sup>,
- having regard to the Joint Communication of the High Representative of the Union for Foreign Affairs and Security Policy and the Commission of 25 May 2011 entitled ‘A New Response to a Changing Neighbourhood’ (COM(2011) 0303),
- having regard to its resolution of 16 December 2008 on media literacy in a digital world <sup>(10)</sup>,

<sup>(1)</sup> Texts adopted, P7\_TA(2013)0050.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0049.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0503.

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0451.

<sup>(5)</sup> Texts adopted, P7\_TA(2012)0470.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0250.

<sup>(7)</sup> [http://eeas.europa.eu/top\\_stories/2012/20120503\\_world\\_press\\_freedom\\_day\\_en.htm](http://eeas.europa.eu/top_stories/2012/20120503_world_press_freedom_day_en.htm). [http://europa.eu/rapid/press-release\\_PRES-13-181\\_en.htm](http://europa.eu/rapid/press-release_PRES-13-181_en.htm).

<sup>(8)</sup> <http://blogs.ec.europa.eu/neelie-kroes/ict-human-rights-guidance>.

<sup>(9)</sup> OJ C 33 E, 5.2.2013, p. 165.

<sup>(10)</sup> OJ C 45 E, 23.2.2010, p. 9.

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- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (EIDHR) <sup>(1)</sup>, as well as to all other EU external financing instruments,
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements <sup>(2)</sup>,
- having regard to its resolutions on urgent cases of breaches of human rights, democracy and the rule of law, including its country-specific resolutions raising concerns over press and media freedom and particularly the imprisonment of journalists and bloggers,
- having regard to Article 11 of the Charter of Fundamental Rights of the European Union, and in particular to its provision that ‘the freedom and pluralism of the media shall be respected’,
- having regard to Articles 3 and 21 of the Treaty on European Union and to Article 207 of the Treaty on the Functioning of the European Union,
- having regard to the European Union’s guidelines on human rights,
- having regard to the European Convention on Human Rights of the Council of Europe and the ongoing negotiations on the EU’s accession thereto,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0176/2013),

#### ***Principles and role of the press and media***

- A. whereas the right to freedom of expression is a universal human right, which lies at the basis of democracy, and is essential to the realisation of other rights which people around the world strive to obtain, such as development, dignity and the fulfilment of every human being;
- B. whereas restrictions on freedom of expression have serious consequences, should be very limited, and can only be justified subject to narrow and strict conditions provided by laws which themselves are considered legitimate under international law; whereas freedom of expression is a fundamental right and is closely linked to press and media freedom and pluralism; whereas states that have signed up to the International Covenant on Civil and Political Rights (ICCPR) and to the European Convention on Human Rights (ECHR) are obliged to ensure that independent, free and pluralistic press and media are guaranteed;
- C. whereas media platforms are essential for the exercise of the right to freedom of expression; whereas the independent press, as a collective manifestation of free expression, is one of the key actors in the media landscape, acting as a watchdog of democracy;
- D. whereas freedom of the press, the media, the digital sector and journalism are considered to be public goods;
- E. whereas (digital) media platforms increasingly have a global nature as well as a rising number of users;
- F. whereas the internet and the media are instruments employed by human rights defenders;
- G. whereas net neutrality is an essential principle for the open internet, fostering communication by ensuring competition and transparency, and is also beneficial for business opportunities and stimulates innovation, job creation and growth;
- H. whereas freedom of speech and expression and of the media and the freedom of journalists are under threat all over the world, and journalists are often also human rights defenders and promoters of freedom of association, opinion, religion and belief; whereas, however, journalists are often persecuted and imprisoned;

<sup>(1)</sup> OJ L 386, 29.12.2006, p. 1.

<sup>(2)</sup> OJ C 290 E, 29.11.2006, p. 107.

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- I. whereas new digital and online media platforms have contributed to increased diversity and pluralism;
- J. whereas the EU's efforts and programmes fostering and protecting press and media freedom worldwide need to be optimised, building on the valuable work of civil society and journalists' organisations;
- K. whereas the EU can only be credible on the global stage if press and media freedoms are safeguarded and respected within the Union itself;

### ***Recent developments***

1. Recognises that governments have the primary responsibility for guaranteeing and protecting freedom of the press and media; points out that governments also have the primary responsibility for hampering freedom of the press and media and, in the worst cases, are increasingly resorting to legal pressures in order to restrict that freedom, e.g. through the abuse of anti-terrorism or anti-extremism legislation and laws on national security, treason or subversion; notes that a balance between national security issues and freedom of information needs to be struck in order to prevent abuses and guarantee the independence of the press and media; recognises that media empires owned by politicians are sometimes empowered to carry out misinformation campaigns; emphasises that it is essential that the press and the media can operate independently and free of pressure through political and financial means; is alarmed at the general downward trend in the grading of the press and media freedom environments in various countries both within and outside Europe, according to the latest annual Indexes and Analysis Reports (see list in the Annex at the end of report A7-0176/2013);
2. Emphasises that free, independent and pluralistic online and traditional media are one of the cornerstones of democracy and pluralism; recognises the importance of information resources as real guarantees of freedom and media pluralism; points out that maintaining and strengthening the freedom and independence of the media in the world is in the common interest; notes that the role of free and independent media and the free exchange of information are of the utmost importance in the context of democratic change occurring in non-democratic regimes;
3. Deplores the fact that journalists are frequently wounded or murdered or are being subjected to serious abuses throughout the world, often with impunity; emphasises, therefore, the importance of combating impunity; stresses that the authorities cannot deal with threats and violence directed at journalists or ensure their safety unless the political, judicial and police authorities take decisive action against those who attack journalists and their work; points out that the effects of impunity have an impact not only on the freedom of the press, but also on the daily work of journalists, as well creating a climate of fear and self-censorship; believes that the EU should take a tougher stance towards countries that constantly allow such acts to go unpunished, and calls on all states to guarantee the safety of journalists;
4. Stresses that laws, statutory regulation, intimidation, fines and highly concentrated ownership by politicians or others with conflicting interests are all factors that can limit the freedom to acquire and access information and that can result in threats to freedom of expression;
5. Stresses that indirect pressure on the press and the media can be brought by governments; considers that in many countries the media rely heavily on government advertising, which can then become a tool to pressurise the media, and that licences or fiscal penalties can also be used to restrict the operation of critical media;
6. Deplores the fact that the criminalisation of expression is on the rise; recalls that journalists worldwide are frequently imprisoned because of their work; is aware of the use of defamation, blasphemy and libel laws, as well as legislation referring to 'the degrading of the country's image abroad' or to 'homosexual propaganda' in order to imprison or censor journalists and block free expression; regrets that censorship fosters self-censorship; calls for an end to the harassment of journalists, who should be able to carry out their work in an independent manner without fear of violence and recrimination, and for the immediate release of journalists and bloggers wrongfully imprisoned because of their work;
7. Strongly condemns the fact that many journalists have no access to legal assistance while their profession increasingly finds itself in the frontline of the struggle for human rights, whether online or offline;

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8. Considers the trend of concentrated media ownership in large conglomerates to be a threat to media freedom and pluralism, especially with digitisation occurring in parallel; stresses the importance of an open and enabling underlying media infrastructure, as also of the existence of independent regulators;
9. Recognises the potential of private foundations and NGOs supporting quality journalism and being drivers of innovation;
10. Stresses that, while businesses bear new responsibilities in a globally and digitally connected world, they also face new challenges in areas that have traditionally been the preserve of public authorities; is aware that government blocking orders affecting online content and services have put pressure on editorial independence and continuity of service;
11. Is aware that all too often media are used as and/or are involved in traditional propaganda tools and that, specifically regarding public service media, financial and political independence, as well as pluralism, are essential; emphasises that free and independent public media play a crucial role in deepening democracy, maximising the involvement of civil society in public debates and affairs, and in empowering citizens on the path to democracy;
12. Encourages the development of ethical codes for journalists as well as for those involved in the management of media outlets, in order to ensure the full independence of journalists and media bodies; recognises the importance of enforcing such codes through the establishment of independent regulatory bodies;

### **Digitisation**

13. Recognises the potential impact of today's ever more digitised media and their empowering effects on individuals by increasing levels of information and critical thinking, and is aware of the fact that these developments create anxiety, for authoritarian regimes in particular;
14. Acknowledges the major role played by digital and online media platforms in the uprisings against dictatorial regimes in recent years;
15. Stresses that access to information, both online and offline, is necessary for the evolution of opinion and expression, as well as for the expression and communication of content via media platforms, since these constitute essential checks on power;
16. Recognises that the digitisation of media and information has magnified their reach and impact but has also blurred the fine line between information and opinion; notes the significant increase in user-generated content and citizen journalism;
17. Considers that the digitisation of the press and media is adding new layers to the media landscape, raising questions regarding access, quality, the objectivity of information and its protection;
18. Stresses that digitisation makes it easier for people to access information and scrutinise officials, and to ensure that data and documentation are shared and spread and that cases of injustice or corruption are brought to light;
19. Stresses that to unlock the full potential of IT infrastructures, global interoperability and appropriate regulation is required and that, these ICT elements should be incorporated in both the existing and evolving media landscape, in conjunction with the basic conditions of independence, plurality and diversity;
20. Deplores all attempts to create various forms of 'closed internet', since they represent serious breaches of the right to information; urges all authorities to refrain from such attempts;
21. Is concerned over mass surveillance, mass censoring, and blocking and filtering tendencies affecting not only the media and the work of journalists and bloggers but also hindering the work of civil society in bringing about significant political, economic and social change; condemns all arrests and attempted arrests of bloggers, viewing such actions as an attack on freedom of speech and opinion;

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22. Deplores the fact that numerous technologies and services deployed in third countries to violate human rights through censorship of information, mass surveillance, monitoring, and tracing and tracking of citizens and their activities on (mobile) telephone networks and the internet originate in the EU; urges the Commission to take all necessary steps to stop this 'digital arms trade';

23. Stresses the need for greater understanding of the role of intermediaries and their responsibilities; considers that market regulators can help preserve competition, but that it is also necessary to explore new ways of engaging private actors in order to preserve the public value of information; recognises that self-regulation can entail specific risks where (democratic) oversight is lacking;

24. Stresses the fact that digital and (computer) data-driven platforms or services such as search engines are privately owned and require transparency so as to preserve the public value of information and prevent restrictions on access to information and freedom of expression;

25. Stresses the need for whistleblower and source protection, and for the EU to act to that end globally;

26. Strongly condemns all attempts to use the internet or other online media platforms to promote or foster terrorist activities; urges the authorities to take a firm stance in this respect;

***EU policies and external actions***

27. Stresses that in order for the EU to be considered a community of values, the promotion and protection of global press and media freedom are essential; stresses that the EU should demonstrate maximum political leadership in order to ensure the protection of journalists globally;

28. Believes that the EU should lead the way in ensuring that the media remain independent, pluralistic and diverse, and in defending the situation, freedom and security of journalists and bloggers; stresses that, to this end, the EU should not interfere with content but should, rather, support an enabling environment and the lifting of restrictions on freedom of expression globally;

29. Notes with concern that in recent years some media, notably in the EU, have come under scrutiny themselves for unethical and allegedly illegal behaviour; considers that the EU can only lead by example if it addresses these issues within its own borders;

30. Encourages the Commission to continue to closely monitor the independence of the press and media in the Member States;

31. Considers that, while the EU addresses press and media freedom through several policies and programmes, it lacks a specific overall focus on the issue, as well as lacking a coherent driving vision and benchmarks;

32. Considers that the lack of a comprehensive strategy leads to fragmentation and risks forgoing the important policy principles of transparency and accountability;

***Strategy***

33. Urges the Commission, especially DG DEVCO, and the European External Action Service (EEAS) to improve their cooperation and coordination of programming, particularly by synergising political and diplomatic work and through the joint implementation, including via monitoring and assessment, of funding and projects; calls on the Commission to improve its analysis and evaluation of past, existing and future programming, and to make the results public;

34. Calls for a shift from ad hoc funding of projects to a more sustainable approach, also involving private donors and interlocutors; recognises the need for a tailored approach to programming, both at national and regional level;

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35. Urges the EU to play a more significant role notably in the candidate countries, as well as in relation to its immediate southern and eastern neighbourhood and in the context of trade and association agreement negotiations; calls on the EU to adopt a strategy to ensure that it closely monitors and reacts to changes in legislation which restrict pluralism and freedom of the press in third countries;
36. Stresses that existing external financial instruments, such as the EIDHR, geographical instruments and others, need to be used flexibly in order to help strengthen civil society; stresses that local ownership and capacity-building are essential to ensure sustainable development and progress;
37. Stresses that the EU should support the education and training of policymakers, regulators and media alike in third countries, with the goal of fostering press and media freedom and appropriate and technology-neutral forms of market regulation, especially recalling that in periods of transition freedoms are often restricted in the name of stability and security;
38. Stresses that the issues of media development and enabling freedom of expression should form an important part of the EU's dialogue at country-specific level; emphasises that clear benchmarks and conditionalities should be respected in the EU's trade, partnership, cooperation, and association agreements with third countries and aid programmes, in compliance with Article 21 TEU; urges the EEAS and the Commission to respect and implement Parliament's reports and recommendations on the negotiations for such agreements; recalls that coherence, consistency, coordination and transparency between Parliament, the EEAS and the Commission over the implementation and monitoring of these fundamental human rights are crucial for the EU's credibility and effectiveness in its relations and interactions with third countries;
39. Calls on the Commission to make the fight against impunity one of its priorities in its programmes concerning freedom of expression and the media, also by offering assistance in the investigation of crimes against journalists, by establishing legal defence funds and providing expertise;
40. Considers that EU funding should not be limited to specialised international organisations (intermediaries) but should also include local organisations;
41. Calls on the Commission to reconsider the confidentiality clauses in its human rights funding in the context of the press and media, since this leaves room for the discrediting of journalists, media outlets or NGOs, thus also damaging the credibility of EU human rights activities which are in themselves open and transparent;
42. Emphasises that press and media programmes should also focus on improving (state and legal) structures and on supporting local media companies and businesses, in order to improve their transparency, independence, ability of being sustainable, professionalism and openness; stresses that EU media policies should also seek to maximise pluralism and diversity by supporting independent media and start-ups;
43. Recalls that freedom of expression and media pluralism, including on the internet, are core European values; stresses the fundamental importance of press and media freedom in the EU's enlargement policy and of digital freedoms in this context, considering these freedoms as human rights and therefore as part of the Copenhagen political criteria;
44. Considers that the EU should include press and media support components in its electoral assistance, for instance by fostering cooperation between electoral management bodies in third countries and the press, so as to improve the transparency and legitimacy of election processes and results;
45. Considers that in transition countries the EU should focus on press and media freedom in the context of the process of reconciliation and reconstruction;
46. Applauds and welcomes the important work of a number of international (journalists') organisations dealing with press and media freedom, and stresses that these organisations should have the EU's full support, considering the essential nature of their liaison work;
47. Calls on the EEAS to make optimal use of the EU's engagement in multilateral forums which focus on press, media and digital freedoms, such as the Council of Europe and the OSCE, and also in the context of the UN;

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48. Calls on the Commission, the Council and the EEAS to adopt a Press and Media Freedom Strategy in the framework of EU foreign policy, as soon as possible, and to incorporate the recommendations of the present report in the forthcoming Guidelines on Freedom of Expression (online and offline);

49. Asks for the present report be read and taken up in close conjunction with its resolution 'A Digital Freedom Strategy in EU Foreign Policy';

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50. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, the European External Action Service, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Office of the UN High Commissioner for Human Rights, UNESCO, the Council of Europe, and the Organisation for Security and Cooperation in Europe.

P7\_TA(2013)0276

## **Financial services: Lack of progress in Council and Commission's delay in the adoption of certain proposals**

**European Parliament resolution of 13 June 2013 on financial services: lack of progress in Council and Commission's delay in the adoption of certain proposals (2013/2658(RSP))**

(2016/C 065/14)

*The European Parliament,*

- having regard to the Commission proposal of 12 July 2010 for a directive of the European Parliament and of the Council on Deposit Guarantee Schemes (recast) (COM(2010)0368),
- having regard to the Commission proposal of 12 July 2010 for a directive of the European Parliament and of the Council amending Directive 97/9/EC of the European Parliament and of the Council on investor-compensation schemes (COM(2010)0371),
- having regard to the Commission proposal of 19 January 2011 for a directive of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority (COM(2011)0008), hereinafter referred to as 'Omnibus II/Solvency II',
- having regard to the Commission proposal of 20 October 2011 for a directive of the European Parliament and of the Council on markets in financial instruments repealing Directive 2004/39/EC of the European Parliament and of the Council (recast) (COM(2011)0656) and to the Commission proposal of 20 October 2011 for regulation of the European Parliament and of the Council on markets in financial instruments and amending Regulation [EMIR] on OTC derivatives, central counterparties and trade repositories (COM(2011)0652), hereinafter referred to as the 'MiFID review',
- having regard to the Commission proposal of 20 October 2011 for a directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation (COM(2011)0654) and to the Commission proposal of 20 October 2011 for a regulation of the European Parliament and of the Council on insider dealing and market manipulation (market abuse) (COM(2011)0651), hereinafter referred to as 'MAD/MAR',



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- having regard to the Commission proposal of 7 March 2012 for a regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on central securities depositories (CSDs) and amending Directive 98/26/EC (COM(2012)0073),
  - having regard to the Commission proposal of 6 June 2012 for a directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directives 77/91/EEC and 82/891/EEC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EU and Regulation (EU) No 1093/2010 (COM(2012)0280),
  - having regard to the Commission proposal of 3 July 2012 for a directive of the European Parliament and of the Council amending Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) as regards depository functions, remuneration policies and sanctions (COM(2012)0350), hereinafter referred to as 'UCITS V',
  - having regard to the Commission proposal of 3 July 2012 for a directive of the European Parliament and of the Council on insurance mediation (recast) (COM(2012)0360), hereinafter referred to as 'IMD II',
  - having regard to the Communication from the Commission of 31 March 2010 on the Commission Work Programme 2010 (COM(2010)0135), and in particular to the reference to the planned adoption in 2010 of a legislative proposal for a directive on legal certainty in securities law,
  - having regard to the Communication from the Commission of 27 October 2010 on the Commission Work Programme 2011 (COM(2010)0623), and in particular to the reference to the planned adoption in 2011 of a legislative proposal for a directive on legal certainty in securities law,
  - having regard to the Communication from the Commission of 15 November 2011 on the Commission Work Programme 2012 (COM(2011)0777), and in particular to the reference to the planned adoption in 2012 of a legislative proposal for a securities law directive and for a legislative proposal for a revision of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market <sup>(1)</sup>,
  - having regard to the conclusions of the European Council at its meeting of 1 and 2 March 2012, and in particular the reference to the MiFID review,
  - having regard to the Recommendation of the European Systemic Risk Board of 20 December 2012 on money market funds <sup>(2)</sup>,
  - having regard to its resolution of 20 November 2012 on Shadow Banking <sup>(3)</sup>,
  - having regard to the questions to the Council and to the Commission on financial services: lack of progress in Council and Commission's delay in the adoption of certain proposals (O-000063/2013 — B7-0208/2013 and O-000065/2013 — B7-0209/2013),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the recovery of the EU economy requires a stable financial sector that provides competitive funding to the real economy; whereas to achieve this, it is necessary to complete the Banking Union as agreed and reaffirmed by the different EU institutions with responsibility for this key sector of our economy;
- B. whereas the proposal for a review of the directive on Deposit Guarantee Schemes (DGS) was adopted by the Commission on 12 July 2010, and Parliament, after unfruitful negotiations with Council, voted in first reading on 16 February 2012 <sup>(4)</sup>;
- C. whereas the proposal for review of the Investor-Compensation Schemes Directive (ICSD) was adopted by the Commission on 12 July 2010, and Parliament, in view of the reluctance of the Council to adopt a general approach and enter into negotiations, voted in first reading on 5 July 2011 <sup>(5)</sup>;

<sup>(1)</sup> OJ L 319, 5.12.2007, p. 1.

<sup>(2)</sup> OJ C 146, 25.5.2013, p. 1.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0427.

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0049.

<sup>(5)</sup> OJ C 33 E, 5.2.2013, p. 328.

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- D. whereas the Commission adopted its proposals on the MiFID review on 20 October 2011 and Parliament dealt with them swiftly and adopted amendments to those proposals on 26 October 2012 <sup>(1)</sup>, only one year after their submission; since then Parliament has been waiting to start negotiations with Council in view of a possible first-reading agreement;
- E. whereas the European Council concluded at its meeting of 1 and 2 March 2012 that the MiFID review proposals should be agreed by the co-legislators by December 2012;
- F. whereas the Commission adopted its proposal on Central Securities Depositories (CSDR) on 7 March 2012 and Parliament's Economic and Monetary Affairs Committee adopted its report on 4 February 2013 (A7-0039/2013), and since then has been waiting to start negotiations with Council in view of a possible first-reading agreement;
- G. whereas the Commission's proposal for a directive on legal certainty in securities law was originally expected to be adopted in the course of 2010, and was then included in the Commission's Legislative and Work Programmes for 2011 and 2012, but has not yet been adopted;
- H. whereas Directive 2007/64/EC on payment services in the internal market requires the Commission to present no later than on 1 November 2012 a report on the implementation and impact of that Directive, accompanied, where appropriate, by a proposal for its revision; whereas the Commission has not yet submitted such report and revision;
- I. whereas Parliament, in its resolution on Shadow Banking, called for additional measures to be taken regarding money market funds, in particular in order to improve the resilience of these funds and to cover the liquidity risk, and whereas the recommendation of the European Systemic Risk Board (ESRB) to end constant net asset value money market funds, published shortly after that resolution, should be taken into account in those measures;
- J. whereas Article 5 of Directive 2011/89/EC <sup>(2)</sup> required the Commission to fully review Directive 2002/87/EC (Financial Conglomerates Directive) <sup>(3)</sup>, addressing in particular the scope of that Directive, the extension of its application to non-regulated entities, the criteria for identification of financial conglomerates owned by wider non-financial groups, systemically relevant financial conglomerates and mandatory stress testing, and to send its report to the Parliament and the Council by 31 December 2012, to be followed by appropriate legislative proposals;
- K. whereas the Commission, following this review, delivered its report on 20 December 2012, concluding that although the criteria for the definition and identification of a conglomerate, the identification of the parent entity ultimately responsible for meeting the group-wide requirements and the strengthening of enforcement with respect to that entity are the most relevant issues that could be addressed in a future revision of the financial conglomerates directive, it decided not to propose a legislative proposal to this effect in 2013;
- L. whereas the Commission undertook to keep the situation under constant review in order to determine appropriate timing for the adoption of proposals to review the Financial Conglomerates Directive, in particular with a view to the ongoing negotiations on CRD IV and the Single Supervisory Mechanism (SSM);
- M. whereas on several occasions the Commission indicated its intention to produce a comprehensive study on the effectiveness and proportionality of the measures adopted in the framework of financial regulation since the beginning of the financial crisis;

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<sup>(1)</sup> Texts adopted, P7\_TA(2012)0406 and P7\_TA(2012)0407.

<sup>(2)</sup> OJ L 326, 8.12.2011, p. 113.

<sup>(3)</sup> OJ L 35, 11.2.2003, p. 1.

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1. Recalls its willingness to complete first readings on at least all the Commission proposals on financial services that are currently on the table before the term comes to an end in spring 2014;
2. Stresses that in the interests of further enhancing the efficiency and robustness of the Union's financial markets as quickly as possible, the pending Commission proposals on financial services must be adopted swiftly, thus avoiding delays in the entry into force of the relevant legislation;
3. Emphasises its deep conviction that stability in the financial sector and the success of all financial structural reforms are a precondition for achieving sustainable economic growth and employment in the European Union;
4. Emphasises that it has clearly demonstrated its willingness and ability to deal with the Commission's proposals on financial services regulation swiftly and within very short time frames, for example in the context of the SSM, Solvency II and the MiFID review; expects to apply the same constructive and swift approach with respect to the upcoming Commission proposals;
5. Urges the Commission to accelerate its work on those outstanding legislative initiatives in the area of financial services that it has announced over the past years; in particular calls on the Commission to adopt as a matter of urgency its proposal on the Securities Law Directive which is now delayed by more than two years, and to present the outstanding revision of the Directive on payment services in the internal market as quickly as possible; calls on the Commission to adopt as soon as possible a proposal on money market funds taking the relevant ESRB recommendations fully into account;
6. Takes the view, now that the negotiations on CRD IV and the SSM have been concluded, that proposals to fully review the 2002 Financial Conglomerates Directive should be presented by the Commission without delay;
7. Recalls the Commission's commitment to undertake before the end of the mandate a study, comprising a cost-benefit analysis, on the effectiveness and proportionality of the numerous pieces of legislation that have been adopted since the beginning of the financial crisis, the study to be an accumulative impact assessment of all the EU financial market legislation that has been proposed, decided and implemented in the Union since the beginning of the mandate; calls for that process to be launched as soon as possible; the study should also assess the impact of failure to complete the Banking Union in the different Member States, including the effects on sovereign debt;
8. Calls on the Commission to adopt as quickly as possible, in particular, its proposals on a draft regulation establishing a Single Resolution Mechanism and on the follow-up to the recommendations of the Liikanen High-Level Expert Group on bank structural reform; underlines the importance for the co-legislators to deal swiftly with these upcoming proposals under codecision so as to allow for the speedy entry into force of the relevant measures;
9. Calls on the Commission to reflect financial developments more appropriately in its Annual Growth Survey, as requested in Parliament's resolutions of 15 December 2011<sup>(1)</sup> and 18 April 2013<sup>(2)</sup>;
10. Urges the Council to reopen negotiations on DGS, a matter of crucial importance and direct interest to the citizens of the European Union, as well as for trust in, and the stability of, the financial system; notes that the necessity for rapid adoption of that proposal has recently been confirmed by the Cypriot crisis; recalls that a single European deposit guarantee fund with functioning deposit guarantee schemes backed by appropriate levels of funding, which therefore enhance credibility and investor confidence, could be the long-term goal once an effective resolution framework and an effective single supervisory mechanism are working; emphasises their significance for the proper setting-up of the Banking Union and for the achievement of the overall objective of stable financial markets; considers that the DGS proposal should be adopted in parallel with the Directive establishing a framework for the recovery and resolution of credit institutions and investment firms;

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<sup>(1)</sup> Texts adopted, P7\_TA(2011)0583.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0188.

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11. Regrets the lack of capacity and determination on the part of the Council and the Member States to achieve the agreements needed in order to implement the public commitments that must lead to the completion of the Banking Union;
  12. Calls on the Council to adopt a position on ICSD as soon as possible, so as to allow for the start of negotiations on an issue which has a concrete impact on the Union's citizens, as it is intended to increase protection of the individual investor;
  13. Recalls the G20 commitment that all standardised over-the-counter (OTC) derivatives contracts should be traded on exchanges or electronic trading platforms, where appropriate, and cleared through central counterparties by the end of 2012; urges the Council, therefore, to use the remaining time in the legislative term to finalise the work on the MiFID review, so that the Commission proposals can be adopted before the European elections in May 2014;
  14. Calls on the Council to continue its work on the CSDR so as to allow for the swift start of negotiations with Parliament and the Commission with a view to timely implementation before the introduction of Target2Securities;
  15. Calls on the Council to progress rapidly towards negotiations with Parliament on other key consumer and investor protection files voted, or soon to be voted, on by Parliament's competent committee, in addition to the MiFID review, such as UCITS V and IMD II;
  16. Calls on the Council to arrive at a position as soon as possible on the Commission's proposal for a directive establishing a framework for the recovery and resolution of credit institutions and investment firms, as this is an essential tool for limiting future exposure of EU taxpayers to bank failures;
  17. Calls on the Council to ensure that it is ready speedily to conclude negotiations with Parliament on Omnibus II/Solvency II, as soon as the European Insurance and Occupational Pensions Authority's impact assessment of the provisions for long-term guarantees previously discussed in trilogue are available; calls for the rapid adoption of the proposals on MAD/MAR;
  18. Urges the Commission to bring forward proposals in time for them to be considered in the current legislative term by Parliament on Insurance Guarantee Schemes and on a recovery and resolution framework for financial institutions other than banks, including a framework applicable, at least, to larger cross-border insurance groups and those with significant activity in non-traditional and non-insurance activities;
  19. Asks the Council to clarify the criteria on which the choice to proceed or not with files was made, and to explain how the interdependencies between files have been taken into account;
  20. Asks the Council to explain and detail how it is mustering the necessary resources and improving the smoothness and efficiency of the transition from one Presidency to the next;
  21. Calls upon Council — in the light of the lack of progress in the Council working groups — to take its political responsibility and adopt positions by qualified-majority voting as provided by the Treaties;
  22. Emphasises the responsibility of the co-legislators to take all necessary actions to allow for the adoption of the pending proposals as soon as possible and, where appropriate and feasible, before the end of the current legislative term;
  23. Instructs its President to forward this resolution to the Council and the Commission.
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P7\_TA(2013)0277

**Situation in Turkey****European Parliament resolution of 13 June 2013 on the situation in Turkey (2013/2664(RSP))**

(2016/C 065/15)

*The European Parliament,*

- having regard to its previous resolutions, in particular that of 18 April 2013 on the 2012 progress report on Turkey <sup>(1)</sup>,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to the Negotiating Framework for Turkey of 3 October 2005,
  - having regard to Council Decision 2008/157/EC of 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey <sup>(2)</sup> (‘the Accession Partnership’), as well as to the previous Council decisions on the Accession Partnership of 2001, 2003 and 2006,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas in the early hours of Friday, 31 May 2013 the Turkish police used excessive violence in an effort to disperse a group of demonstrators, who had been protesting for weeks against the planned felling of trees for a new construction project in Istanbul’s Gezi Park in the Taksim Square area;
- B. whereas the heavy-handed police intervention led to clashes with the protesters, which quickly spread to other cities in Turkey, and whereas these clashes led to four deaths and over a thousand wounded, mass arrests and severe damage to private and public property; whereas tear-gas was used extensively, with canisters being fired directly at protesters, causing serious injuries;
- C. whereas the demonstrations have gained support among different strata of Turkish society; whereas men and women participated in equal measure in the demonstrations;
- D. whereas the harsh condemnation by the Turkish Government seems to have been counter-productive;
- E. whereas Article 34 of the Turkish Constitution guarantees the right to organise peaceful, unarmed meetings and demonstrations without permission; whereas Article 26 guarantees freedom of expression, and Articles 27 and 28 guarantee ‘freedom of expression’ and ‘unhindered dissemination of thought’;
- F. whereas the protests are also linked to concerns in some sectors of Turkish society over a series of recent decisions and legislative acts on issues such as restrictions on the sale of alcohol and educational reforms;
- G. whereas the protesters are increasingly voicing concerns over a perceived lack of representation of minority voices, authoritarian governance and lack of the rule of law and of good governance, and of fair trial and due process in Turkey;
- H. whereas the mainstream Turkish media remained silent regarding the demonstrations, and Twitter users have been arrested;

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0184.

<sup>(2)</sup> OJ L 51, 26.2.2008, p. 4.

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- I. whereas Turkey, as a candidate for EU accession, has the obligation to respect and promote democracy and to reinforce democratic and human rights and freedoms;
- J. whereas Commissioner Füle and HR/VP Catherine Ashton have reacted to these events;
- K. whereas freedom of assembly, freedom of expression (including through social media both online and offline) and freedom of the press are fundamental principles of the EU;
  1. Expresses its sincere condolences to the families of the protesters and of the police officer who lost their lives, and wishes the numerous wounded a rapid recovery;
  2. Expresses its deep concern at the disproportionate and excessive use of force by the Turkish police in its response to the peaceful and legitimate protests in Istanbul's Gezi Park, and calls on the Turkish authorities to thoroughly investigate the police violence, to bring those responsible to justice and to offer compensation to the victims; warns the Turkish Government against taking harsh measures against the peaceful protesters, and urges the Prime Minister to take a unifying and conciliatory position so as to avoid any further escalation;
  3. Deplores the fact that, despite the announcement by the Turkish authorities that they would hold talks with some of the protest leaders, the police violence in and around Taksim Square is continuing, thus effectively dampening prospects for talks between the government and protesters;
  4. Calls on the Turkish authorities to guarantee and respect the rights of all citizens to freedom of expression, peaceful assembly and peaceful protest; calls for the immediate release of all peaceful protestors taken into custody and currently detained; demands that all detainees have unrestricted access to lawyers of their choice; asks for information on the exact numbers of detainees and injured;
  5. Deplores the reactions of the Turkish Government and of Prime Minister Erdoğan, whose unwillingness to take steps towards reconciliation, to apologise or to understand the reactions of a segment of the Turkish population have only contributed to further polarisation;
  6. Welcomes the moderate response by President Gül and the apologies to the injured protesters expressed by Deputy Prime Minister Arınç, as well as their dialogue with the Taksim platform and political opposition figures to defuse tensions; underlines the importance of dialogue between the Turkish Government and peaceful protesters;
  7. Reminds Turkey that in an inclusive, pluralist democracy all citizens should feel represented and that the majority has a responsibility to include the opposition and civil society in the decision-making process; also reminds the opposition parties of their responsibility to do their part to create a democratic political culture with respect for diverse views and opinions;
  8. Is concerned about the ongoing confrontation between the political parties, and the lack of readiness on the part of government and opposition to work towards consensus on key reforms; urges all political actors, the government and the opposition to work together to enhance political plurality in state institutions and to promote the modernisation and democratisation of the state and society;
  9. Points to the crucial role of a system of checks and balances in the governance of a modern democratic state, which should be reflected in the ongoing constitutional process, and which must be based on the principle of separation of powers, with balance between the executive, legislative and judicial functions, on respect for human rights and fundamental freedoms — in particular freedom of expression and freedom of the press — and on a participatory political culture that truly reflects the plurality of a democratic society; believes that, in itself, the organisation of peaceful and legitimate protests testifies to the vibrancy of Turkish civil society; reminds Turkey of the importance of continuing efforts to further improve its democratic institutions, the rule of law and the observance of fundamental freedoms;

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10. Stresses the need for continued intensive training of the police force and the judiciary both in their formal education and during their active careers concerning the implementation of the Istanbul Protocol (a set of international guidelines against torture and ill-treatment) and also on the primacy of individual rights and liberties;

11. Calls on local and national authorities in Turkey to launch public consultations for all urban and regional development plans; recalls the need to balance economic growth with social, environmental, cultural and historical factors; calls for all relevant projects in Turkey to undergo environmental impact assessment, without exception;

12. Observes that the unprecedented wave of protests also reflects growing dissatisfaction in parts of the Turkish population concerning lifestyle regulation; reiterates that in a democratic polity governments must promote tolerance and ensure freedom of religion and belief for all citizens; calls on the government to respect the plurality and richness of Turkish society and to protect secular lifestyles;

13. Warns that the police crackdown undermines the credibility of Turkey's regional role as a champion of democratic change in the southern neighbourhood;

14. Recalls that freedom of expression and media pluralism are at the heart of European values and that a truly democratic, free and pluralist society requires true freedom of expression; recalls that freedom of expression is applicable not only to information or ideas that are favourably received or regarded as inoffensive, but also, in accordance with the European Convention on Human Rights, to those that offend, shock or disturb the state or any section of the population;

15. Is concerned about the deterioration in freedom of the press and about certain acts of censorship and growing self-censorship within the Turkish media, including on the internet; calls on the Turkish Government to uphold the principle of press freedom; stresses that an independent press is crucial to a democratic society, and points in this context to the essential role of the judiciary in protecting and enhancing press freedom, thereby guaranteeing public space for free and inclusive debate; is concerned at the large number of journalists in prison and the numerous ongoing trials of journalists; calls for the release of social media activists; views as deeply regrettable the decision of RTUK (the Radio and Television Supreme Council) to punish the TV channels that have covered the Gezi Park events since the beginning for 'harming the physical, moral and mental development of children and young people';

16. Reiterates its concern at the fact that most media are owned by, and concentrated in, large conglomerates with a wide range of business interests; reiterates its call for the adoption of a new media law addressing, inter alia, the issues of independence, ownership and administrative control;

17. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, the Secretary-General of the Council of Europe, the President of the European Court of Human Rights, the governments and parliaments of the Member States and the Government and Parliament of the Republic of Turkey.

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P7\_TA(2013)0280

## **A broader Transatlantic partnership**

### **European Parliament resolution of 13 June 2013 on the role of the EU in promoting a broader Transatlantic Partnership (2012/2287(INI))**

(2016/C 065/16)

*The European Parliament,*

- having regard to its previous resolutions on transatlantic relations, in particular its resolution of 1 June 2006 on improving EU-US relations in the framework of a Transatlantic Partnership Agreement <sup>(1)</sup>, its resolution of 26 March 2009 on the state of transatlantic relations in the aftermath of the US elections <sup>(2)</sup> and its resolution of 17 November 2011 on the EU-US Summit of 28 November 2011 <sup>(3)</sup>,
- having regard to the outcomes of the EU-US Summit held on 28 November 2011 in Washington, D.C.,
- having regard to the joint declarations of the 71st Transatlantic Legislators' Dialogue (TLD) held in December 2011 in Jacksonville, the 72nd TLD held in June 2012 in Copenhagen and Strasbourg, and the 73rd TLD held in November 2012 in Washington, D.C.,
- having regard to its resolution of 23 October 2012 on trade and economic relations with the United States <sup>(4)</sup>, which supported the idea of launching negotiations for a comprehensive economic agreement, and its resolution of 23 May 2013 <sup>(5)</sup> on the negotiating mandate,
- having regard to the statement of 13 February 2013 by US President Barack Obama, European Council President Herman Van Rompuy and European Commission President José Manuel Barroso announcing that both the United States and the European Union will initiate the internal procedures necessary to launch the negotiations for a Transatlantic Trade and Investment Partnership,
- having regard to the Summit Declaration of the North Atlantic Council meeting in Chicago on 20 May 2012,
- having regard to its resolution of 12 September 2012 on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy <sup>(6)</sup>, its resolution of 22 November 2012 on the implementation of the Common Security and Defence Policy <sup>(7)</sup>, and its resolution of 22 November 2012 on Cyber Security and Defence <sup>(8)</sup>,
- having regard to the joint statement of 12 July 2012 by the European Union and the United States on the Asia-Pacific Region,
- having regard to the US Department of Defense document of January 2012 entitled 'Sustaining US Global Leadership: Priorities for 21st century Defense', outlining the changes in US military strategy,
- having regard to US President Barack Obama's second Inaugural Address of 21 January 2013 and his State of the Union Address of 12 February 2013, and the remarks made by US Vice-President Joseph Biden at the Munich Security Conference of 2 February 2013,

<sup>(1)</sup> OJ C 298 E, 8.12.2006, p. 226.

<sup>(2)</sup> OJ C 117 E, 6.5.2010, p. 198.

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0510.

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0388.

<sup>(5)</sup> Texts adopted, P7\_TA(2013)0227.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0334.

<sup>(7)</sup> Texts adopted, P7\_TA(2012)0455.

<sup>(8)</sup> Texts adopted, P7\_TA(2012)0457.



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- having regard to the EU's strategic partnerships with Brazil (2007) and Mexico (2008), to the EU Association Agreements with Mexico, Chile and Central America, the Trade Agreements with Colombia and Peru, the ongoing negotiations with Canada on a Strategic Partnership Agreement and a Comprehensive Economic and Trade Agreement, and the current negotiations with Mercosur,
  - having regard to its resolution of 12 June 2012 on defining a new development cooperation with Latin America <sup>(1)</sup>, which underlines the EU's support for the Latin American regional integration process, as represented by CELAC, UNASUR, Mercosur, the Andean Community, SICA, CARICOM and the Pacific Alliance,
  - having regard to the regular summits that the EU and the US hold with Latin American countries, the biannual EU-CELAC Summit and the Summit of the Americas, both of which are expected to be held in 2015,
  - having regard to the EU's relationship with the African regional and subregional organisations of the Atlantic rim, in particular the African Union (AU), the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Southern African Development Community (SADC),
  - having regard to the G20 Leaders Declarations, the outcome document of the UN System Task Team on the Post-2015 UN Development Agenda ('Realising the Future We Want for All'), and the outcome document of the UN Conference on Sustainable Development ('The future we want'),
  - having regard to its resolutions on, inter alia, the Arab Spring, Mali, the Middle East, Syria, Iran, Afghanistan, the Eastern Partnership, Russia and China,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0173/2013),
- A. whereas in the whole Atlantic Basin the most important political and economic relationship is that linking the EU and the US; whereas the beginning of a new term of the Obama presidency should serve to strengthen that relationship through an ambitious new agenda;
- B. whereas the transatlantic partnership is based on strong political, cultural, economic and historical links, on shared values such as freedom, democracy, human rights and the rule of law, and on common goals, such as prosperity, open and integrated economies, social progress and inclusiveness, sustainable development, and the peaceful resolution of conflicts;
- C. whereas the global economic downturn has led to significant cutbacks in defence spending in both the EU and the US;
- D. whereas in a global, complex and increasingly multipolar world, the EU and the US should, in spite of the economic crisis, continue to play key constructive roles in the world's politics and economy and in the shaping of the international environment, and jointly face regional conflicts and global challenges on a multilateral basis, notably in the framework of international organisations; whereas, to that end, they should also secure the involvement of new key powers — including the EU's two Latin American Strategic Partners, Brazil and Mexico — and of Canada;
- E. whereas, in parallel to the shift in the global landscape triggered by the rise of Asian emerging powers, think-tanks, international organisations and some governments have recently been highlighting the growing importance of the Atlantic Basin as a whole, including its southern dimension, and the need for cooperation between the countries of which it is composed, so as to enable all of them to deal with problems that are common to the wider region;

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<sup>(1)</sup> Texts adopted, P7\_TA(2012)0235.

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- F. whereas Latin America is a region which shares with the EU and the US many values, interests, history and increasing economic ties; whereas Latin American countries have established a large number of regional or subregional organisations; whereas it is useful to study possible fields in which various modalities of triangular cooperation could be developed; whereas that cooperation could be extended to include the African countries of the Atlantic Basin; whereas it is important to base cooperation in the transatlantic space on compromises between the various interests, and whereas all parties should preserve their right to follow their own national priorities and developmental approaches;
- G. whereas some countries, notably China and also others such as India, are becoming increasingly active in the Atlantic basin area, particularly in the Southern Atlantic, where their actions are influenced by their need to acquire raw materials and food;
- H. whereas the broader transatlantic partnership needs to tackle issues such as development, security, energy and immigration, as well as favouring gradual economic and political convergence;
- I. whereas, beyond the broader Atlantic perspective, there are other current issues and conflicts in respect of which coordinated action on the part of the EU and the US is essential;
- J. whereas an increase in the number and sophistication of high profile cyber-attacks has led to the review of related legislation, with the US adopting voluntary reporting mechanisms while the EU plans to adopt tighter compulsory measures;

***Bilateral relations***

1. Congratulates Barack Obama on his re-election as President of the United States of America; invites him to address the European Parliament at its plenary session in Strasbourg during his next visit to Europe;
2. Calls for an EU-US summit to be held as soon as possible to decide on a common agenda of short-term and long-term goals with regard to both bilateral matters and global and regional issues;
3. Recognises the long-term implications for the transatlantic partnership of the geopolitical rebalancing on the part of the US towards Asia; emphasises the need for a constructive, coherent and strategic response by the EU; believes that this also presents an opportunity for the EU to engage more actively in the Asia-Pacific region, as an autonomous global actor but in close cooperation with the US, thereby deepening the strategic dimension of the transatlantic partnership;
4. Welcomes the official announcement of negotiations for a Transatlantic Trade and Investment Partnership (TTIP); stresses that this agreement will represent a significant boost to the EU and US economies and will reinvigorate the EU-US relationship; notes that its global impact would go beyond its bilateral implications, by providing common approaches to rules and standards in global trade, investment and trade-related areas; stresses the need to exercise strong political will and a constructive attitude in order to pursue the negotiations in an efficient manner; expects the TTIP process to engender a renewed political momentum in transatlantic relations, which could and should be used to stimulate closer cooperation in other areas, including foreign policy;
5. Calls on the High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP), the Council, the Commission and the EU Member States to enhance their coordination of EU policy vis-à-vis the US administration, so as to send out a convincing message that the EU is a coherent and efficient international player; highlights the importance of also strengthening the common security and defence policy, given the different crises that may arise in the EU's neighbouring regions and the US's 'leading from behind' doctrine;
6. Recalls its suggestion that a Transatlantic Political Council (TPC) be created to serve as a body for systematic consultation and coordination on foreign and security policy, led by the HR/VP and the US Secretary of State;
7. Highlights the contribution of the TLD, as a content-based, constructive body, to the strengthening of EU-US relations by providing a forum for parliamentary dialogue, identifying objectives and coordinating on issues of common concern; welcomes the opening of the European Parliament Liaison Office in Washington, and invites the US Congress to follow suit in Brussels; calls for the continuation of staff exchanges between the two institutions;

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8. Strongly condemns the Boston terrorist attacks of 15 April 2013; encourages both partners to continue the fight against terrorism and organised crime and, at the same time, to respect and uphold human rights and fundamental liberties; is deeply concerned by recent revelations on the US surveillance and data gathering operations under the PRISM programme, and their implications for the protection of EU citizens' civil liberties; calls on the Commission and the Council to raise the issue at the forthcoming JHA EU-USA Ministerial meeting on 14 June 2013; notes the fact that the Passenger Name Records Agreement and the Terrorist Finance Tracking Programme Agreement (SWIFT Agreement), approved by the European Parliament, are already in force; calls on the partners to increase their cooperation on the Data Privacy and Protection Agreement, in order to finalise the negotiations in such a manner as to ensure the proper transparency of data processing and sufficient protection of personal data;

9. Notes the increasing importance of the use of drones; underlines the need for a vigorous debate on armed drones and their limits, transparency and control; welcomes the current debate in the US, and expects that a comprehensive regulatory framework could be established soon; welcomes, in this context, the decisions announced by President Obama in his speech of 23 May 2013 to formalise new limitations on the use of drones as lethal arms and to engage Congress to explore options for increased oversight of this use; invites both partners to engage in close discussions on armed drones, and stresses the need to take steps towards a future international regulation, given the global implications;

10. Reiterates its view that the EU must continue to raise with the US, at both political and technical level, the longstanding issue of the visa requirement imposed on the citizens of four EU Member States;

11. Reiterates the growing importance of cyber-defence and welcomes the creation, at the 2010 summit, of the Working Group on Cyber-Security and Cyber-Crime; believes that the EU and the US should give special priority to their cooperation on cyber-security, with special regard to countering cyber-attacks and to jointly advancing efforts at international level for the development of a comprehensive and transparent international framework that will set minimum standards for cyber-security policies, while also upholding fundamental liberties;

12. Regrets that the EU and US plan to implement differing levels of cyber-security vigilance at a time when NATO is pushing for intensified cooperation; stresses that such inconsistencies not only pose a threat for cyber-defence but may also create trade-related problems for companies whose operations span both jurisdictions;

13. Welcomes the renewed pledge of President Obama to close Guantánamo, expressed in his speech of 23 May 2013; reiterates its call to allow detainees who have not been charged to return home or to another safe country as quickly as possible, to try Guantánamo detainees against whom sufficient admissible evidence exists without delay in a fair and public hearing by an independent, impartial tribunal, and to ensure that, if convicted, they are imprisoned in the United States in accordance with the applicable international standards and principles;

14. Underlines the continuous importance of NATO as the cornerstone of transatlantic security; calls again for the strengthening of the strategic partnership between the EU and NATO;

### ***Atlantic and global agenda***

15. Calls on both partners to study areas and frameworks through which broader transatlantic cooperation could be carried out in a pragmatic way, and to explore with other Atlantic countries the usefulness of this extended cooperation; underlines that possible areas from the EU's point of view include economic and social issues, global governance, the process of democratisation, human rights, development cooperation, climate change, security and energy; calls on the partners to analyse the possibility of making use, for the purpose of these triangular dialogues, of the regional and subregional structures created in Latin America which the EU has traditionally encouraged;

16. Suggests that the partners engage in regular exchanges of views regarding their respective summits with Latin American countries in a regional framework, namely the biannual EU-CELAC summit and the Summit of the Americas held by the Organisation of American States;

17. Highlights the fact that there already exist various multilateral frameworks devoted to specific matters which have a strong triangular component, such as the Central America Regional Security Initiative;

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18. Recalls the positive role that Canada — with which both partners have a solid relationship — can play in a broader transatlantic cooperation;
19. Calls on both partners also to study the possibility of a broader cooperation including the African rim of the Atlantic Basin, and, in addition, to identify pertinent fields and frameworks, taking the relevant African organisations into account;
20. Calls on the EU and the US to work in a coordinated manner with a view to contributing to a stable international order of peace and cooperation, based on effective multilateralism with emerging players, including those of the South Atlantic rim; urges the partners to continue working on the UN reform programme while engaging the other Atlantic countries and taking their interests into account; stresses the need for an enhanced cooperation between the EU and the countries of the Americas within the UN;
21. Recalls that the International Criminal Court is an increasingly indispensable instrument of international law and a fundamental element of EU foreign policy in relation to the goal of ending impunity; pays tribute to the work of the ICC on its tenth anniversary; welcomes the move of the Obama administration to re-establish a working relationship with the Court, and expects that the US will take further steps towards re-signing and ratifying the Rome Statute;
22. Calls on the EU and the US to work jointly towards the strengthening of regional and subregional organisations in the Atlantic Basin, given the important role played by them in promoting economic and political integration;
23. Calls on the partners to give a new impetus to the G20, inter alia by simultaneously, engaging, on an equal footing, the other Atlantic powers participating in that forum; highlights the fact that, given Obama's re-election and the large number of new leaders in key G20 countries, the moment is timely to make the next meeting of the G20 more ambitious and operational, and expects that this issue will be addressed at the next bilateral summit;
24. Stresses that the eventual conclusion of the TTIP will create the prospect of a wide economic space that would include North America, the EU, and the many Latin American countries with which the partners have negotiated economic agreements;
25. Stresses that the integration of two of the biggest market economies can create a geopolitical template for promoting democratic values;
26. Stresses that democracy, the rule of law and respect for human rights must be central for the Atlantic Basin countries; encourages further cooperation between EU and US programmes promoting democracy, free and fair elections and the upholding of human rights;
27. Stresses the importance of coordination to combat the risks to global security, such as terrorism, failed states, trafficking in human beings, arms and drugs, organised crime, piracy and cyber-security, all of which constitute current threats in the Atlantic Basin; underlines the need to deepen comprehensive cooperation between all the countries of the Atlantic Basin in the fight against drug trafficking, a phenomenon which is on the rise throughout West Africa and the Sahel; welcomes the partners' support for the ECOWAS Regional Action Plan on Drugs;
28. Draws attention to the particularly important role that maritime security must play in the Atlantic space; welcomes the efforts of the partners, in close coordination with ECOWAS and ECCAS, to fight piracy and promote maritime security in the Gulf of Guinea;
29. Highlights the importance of diversifying energy suppliers, sources and transportation routes; stresses the growing relevance of the countries of the Atlantic Basin with regard to energy production and reserves as well as raw materials, all of which offer considerable diversification opportunities; suggests that the EU-US Energy Council, together with the other countries of the Atlantic Basin, should study the possibility of working together on energy security and sustainability matters, including renewable energy technologies; likewise suggests studying the possibility of closer cooperation on raw materials efficiency and recycling;

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30. Welcomes the emphasis placed by President Obama in his inauguration speech on the renewal of the United States' capacity to manage crises abroad, and hopes that the cooperation already engaged in by the EU and the US in crisis management, and increasingly in crisis prevention, in East Africa will be extended to the Atlantic rim; in this context, invites both partners to make full and constructive use of the 2011 Framework Agreement on US participation in the CSDP; calls on the EU Member States to engage seriously in joint pooling and sharing projects in order to be able to autonomously fulfil the tasks described in Article 43 of the Lisbon Treaty;

31. Calls on the EU and the US to continue strengthening their dialogue and cooperation in the field of development, in order to improve the quality and effectiveness of their development assistance; urges both partners to continue promoting the objective of achieving the Millennium Development Goals by 2015; welcomes the fact that the partners have set up a reflection group to work on a post-2015 agenda concerning the Millennium Development Goals; urges the partners to engage in close coordination with the countries of the Atlantic rim in relation to those goals, given their special importance for that group; calls on the EU and the US, in this reflection process, to address the issue of how the post-2015 MDGs and the Sustainable Development Goals can be linked;

32. Welcomes President Obama's renewed commitment to the fight against climate change; urges the partners to agree, as early as possible and by 2015 at the latest, on binding commitments on the reduction of greenhouse gas emissions in line with maintaining climate change below 2 °C; expects this issue to be addressed at the next bilateral summit; highlights the need to involve the Atlantic countries in this effort, especially given the harmful impact of climate change, in those countries and across the globe, on food production, biodiversity, desertification and extreme weather events; regards it as essential that the EU and the US lead the way towards a global agreement on the regulation of airline emissions in the context of the ICAO General Assembly; reaffirms the need for close transatlantic cooperation in the field of shale gas exploitation;

33. Calls on the EU and the US to adopt a common strategy in international forums, especially the UN, for reducing stocks of weapons of mass destruction and conventional arms, and to involve the Atlantic countries in those endeavours; expects the US and Russia to make further progress on nuclear disarmament; warmly welcomes the recent approval of the Arms Trade Treaty by the UN General Assembly, and urges the EU Member States and the US to swiftly sign it;

34. Encourages think-tanks and researchers to continue their study of broader transatlantic cooperation, which also helps to foster the idea of a wider Atlantic community;

35. Stresses that cultural exchanges through educational programmes are fundamental to developing common values and, therefore, to building bridges between the Atlantic basin partners;

### ***Current issues and conflicts***

36. Calls on the partners to prioritise close coordination in supporting the democratic transition in North Africa and the Middle East on the basis of a comprehensive and conditional strategy of assistance and incentives linked to democratic reforms; urges the partners to coordinate as closely as possible regarding support for the opposition in Syria, and to maintain pressure on Russia and China with a view to an urgent political solution for the tragic crisis in that country; supports the call for a peace conference on Syria in Geneva; underscores the need for a common response to the political instability and looming economic crisis in Egypt; encourages cooperation in order to support democratisation programmes in the region;

37. Underlines the need for coordination between the EU, its Member States, the US, the AU, ECOWAS, the UN and other actors in support of implementation of the roadmap to transition in Mali, as well as the need for financial and logistical support for the African-led International Support Mission to Mali (AFISMA), which is poised to transfer its authority to the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), pursuant to UN Security Council resolution 2100 as adopted on 25 April 2013;

38. Regrets the stalling of the Middle East peace process; welcomes the fact that President Obama visited Israel, the Palestinian Authority and Jordan during his first visit abroad after his re-election, and welcomes the fact that the Middle East peace process has again become a main priority, as shown by the current efforts made by the Secretary of State, John Kerry;

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welcomes President Obama's commitment to a two-state solution; calls on the US side to push for a freeze on settlement construction and to work together with the EU on the resumption of direct Israeli-Palestinian negotiations; shares President Obama's view on Israel's ongoing settlement building and on the importance of ensuring Israel's security;

39. Urges the two partners to continue to work towards a diplomatic solution to the Iranian nuclear issue with a view to expeditiously achieving a comprehensive negotiated long-term settlement which would foster international confidence in the exclusively peaceful nature of the Iranian nuclear programme, while respecting Iran's legitimate rights to the peaceful use of nuclear energy in conformity with the NPT; calls on the EU and the US to consider, in the context of the EU 3+3 (P5 +1) negotiations with Iran, the coordinated and conditional lifting of sanctions in exchange for mutually agreed and verifiable action by the Iranian government to resolve all outstanding issues concerning its nuclear programme, in full compliance with the provisions of the NPT, the IAEA Board of Governors and the relevant UN Security Council resolutions, as well as the demands made by the International Atomic Energy Agency (IAEA); calls on both partners to adopt a more comprehensive approach towards relations with Iran that addresses the human rights situation as well as the broader regional security picture, and to involve Iranian civil society and NGOs wherever applicable;

40. Urges the partners to jointly develop a comprehensive approach to Afghanistan for the post-2014 period, in coordination with the Afghan government; stresses that properly trained and equipped Afghan military and police forces, together with human and socio-economic development, good governance and pro-rule of law policies, will be vital for peace, stability and security in the country, while a much stronger commitment from Afghanistan's neighbours to these goals will also be required; also stresses the need for a democratic and inclusive political process in the country; recognises the fundamental role that has been played by NATO in coordinating the security response to the terrorist threat in Afghanistan, including reconstruction and rehabilitation, and recognises the potential role of NATO in the post-2014 period;

41. Highlights the importance of the Eastern Partnership to the EU; stresses the need to bring the countries of this neighbouring region closer, politically and economically, to the EU and to the common values of the transatlantic partners; calls on the EU and the US to coordinate actively in this regard, and stresses the need for concerted efforts in order to promote democratic reforms, consolidate democratic institutions and enhance peaceful conflict resolution; appreciates the continued support of the US support for the Western Balkans enlargement process, and encourages both partners to maintain a coordinated approach toward the countries of this region;

42. Urges both partners to better coordinate their policies regarding critical engagement with Russia; emphasises the importance of cooperation with Russia on global challenges, including disarmament and non-proliferation; calls on the EU and the US to contribute to Russia's modernisation process, with particular emphasis on consolidating democracy, human rights and the rule of law and on promoting diversified and socially equitable economic growth; highlights the importance of promoting people-to-people contacts; in this regard, regrets the new restrictive laws on NGOs and the increasing pressure being applied by the Russian authorities on the offices of NGOs based in Russia; stresses that implementation of the commitments made by Russia when it joined the WTO is an important part of the modernisation agenda of the country; calls on both partners to engage in a constructive discussions with Russia on frozen conflicts; welcomes the approval of the Magnitsky list by the US Congress, and recalls its own resolution of October 2012;

43. Notes the shift of international attention towards East Asia owing to the political and economic rise of the Asia-Pacific region; welcomes the recent establishment of closer consultation between the EU and the US regarding that region, and believes this might lead to closer EU-US cooperation concerning Asia; notes, in particular, the need for a coordinated response to issues that could potentially disturb peace in the region, especially in the case of the South-East China Sea conflict, which is fuelling aggressive nationalism in some Asian countries and poses a threat to maritime security;

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44. Strongly condemns the escalating war rhetoric on the part of North Korea and its direct threats made against the US in response to the recent UN Security Council resolution 2087 adopting tougher sanctions; calls on Pyongyang to abide by the relevant UN Security Council resolutions calling for a cessation of its nuclear weapons and ballistic missiles programmes; urges both sides to maintain calm and to pursue peace through diplomatic channels; urges the EU, the US and South Korea to maintain close dialogue with China in order to restrain the Pyongyang regime;

45. Calls on the EU and the US to make a coordinated effort to commit the new Chinese leadership to dealing more actively with global agenda issues and conflicts; welcomes the fact that the EU and China have agreed to hold a regular dialogue on defence and security policy, as well as to maintain regular contacts between special representatives and special envoys; recalls the importance of sustaining an open dialogue with China on good governance and respect for human rights;

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46. Instructs its President to forward this resolution to the Council, the Commission, the US Government and the US Congress.

P7\_TA(2013)0281

## **Reconstruction and democratisation of Mali**

**European Parliament resolution of 13 June 2013 on the reconstruction and democratisation of Mali (2013/2587 (RSP))**

(2016/C 065/17)

*The European Parliament,*

- having regard to its resolutions of 20 April 2012 on the situation in Mali <sup>(1)</sup> and of 14 June 2012 on human rights and the security situation in the Sahel region <sup>(2)</sup>,
- having regard to the European Union's Strategy for Security and Development in the Sahel, adopted in March 2011,
- having regard to United Nations Security Council (UNSC) resolutions 2056 (2012) and 2071 (2012) on the situation in Mali,
- having regard to UNSC resolution 2085 (2012) authorising the deployment of an African-led International Support Mission in Mali (Afisma),
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy of 22 March, 26 March, 7 April, 21 December and 23 December 2012, as well as of 11 January, 7 March and 7 June 2013, regarding the situation in Mali,
- having regard to the EU Council Conclusions on the Sahel of 23 March 2012 approving the Crisis Management Concept for a civilian CSDP Advisory, Assistance and Training Mission in the Sahel,
- having regard to the EU Council Conclusions on Mali of 31 January, of 18 February, of 23 April and of 27 May 2013,

<sup>(1)</sup> Texts adopted, P7\_TA(2012)0141.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0263.

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- having regard to the letter of 25 March 2013 from the transitional authorities in Mali to the UN Secretary-General requesting the deployment of a United Nations operation to stabilise and restore the authority and the sovereignty of the Malian State throughout its national territory,
  - having regard to the letter of 26 March 2013 from the President of the Ecowas Commission to the UN Secretary-General requesting the transformation of Afisma into a United Nations stabilisation mission,
  - having regard to UN Resolution 2100 (2013) adopted by the Security Council at its 6952nd meeting on 25 April 2013 creating a peace-keeping force
  - having regard to the Malian roadmap for transition which was unanimously approved by the country's National Assembly on 29 January 2013,
  - having regard to the African Charter on Democracy, Elections and Governance,
  - having regard to all African and international human rights conventions signed by Mali,
  - having regard to Written Questions O-000040 — B7-0205/2013 and O-000041 — B7-0206/2013 to the Council and the Commission, respectively, on the reconstruction and democratisation of Mali,
  - having regard to the 'Together for a New Mali' conference of donors for development held in Brussels on 15 May 2013,
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the effects of the military coup d'état in Mali in March 2012, the occupation of the northern part of the country by armed rebel jihadist groups, and the following armed conflict in the northern part, are felt far beyond Mali and the Sahel region, with repercussions elsewhere in Africa and in Europe;
- B. whereas Mali is one of the ten poorest countries in the world and ranks 182nd among the 187 countries on the UNDP's Human Development Index for 2013; whereas even before the current crisis Mali suffered from socio-economic disparities between North and South, as well as from weak democratic institutions, poor governance, corruption and organised crime;
- C. whereas Captain Amadou Haya Sanogo, appointed head of the Military Committee for Reform of the Armed Forces and Security, remains a dangerous figure who retains his capacity to cause damage, not least in light of his new functions which provide him with a direct contact with the military;
- D. whereas a roadmap for transition has been approved by the Malian authorities and a Commission for Dialogue and Reconciliation has been set up; whereas the EU, together with Mali's transitional authorities and other regional and international organisations, has started working on the implementation of the roadmap in order to bring lasting peace;
- E. whereas political dialogue and reconciliation between ethnic groups — to keep the peace and create a willingness among the country's different ethnic groups to live together — represent a challenge to the reconstruction of Mali; whereas the situation in Kidal, still controlled by Tuaregs from the National Movement for the Liberation of Azawad (MNLA), could well jeopardise this reconciliation process; whereas only those groups that respect Mali's Constitution and the integrity of the country's territory will be allowed to participate in the Commission for Dialogue and Reconciliation;
- F. whereas at a donors' conference in Addis Ababa organised by the African Union (AU) on 29 January 2013, a total of EUR 337,2 million were pledged by donors toward resolving the Mali crisis, of which sum the EU awarded EUR 50 million to Afisma and, under the Instrument for Stability, EUR 20 million to provide immediate support to Mali's law enforcement and justice services, local authorities, dialogue and reconciliation efforts and the first phases of the preparatory process for the coming elections;
- G. whereas the Commission has announced a gradual resumption of development aid, to the sum of EUR 250 million, in support of areas such as: reconciliation and conflict prevention; the electoral process; the provision of basic services, including health and access to water and sanitation; the strengthening of food security; and the re-launching of the economy;



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- H. whereas many international organisations and non-governmental organisations work in Mali to help provide basic services to local communities, including food aid, access to water and healthcare;
- I. whereas the international community and Mali agree on the fact that the Plan for the Sustainable Recovery of Mali (PRED) constitutes a sound basis for mutual commitments; that the implementation of the PRED requires monitoring and evaluation of the planned programmes and expenditure; that the donors' support for the PRED depends on Mali honouring its commitments, and in particular implementing the necessary reforms with regard to democratic governance;
- J. Whereas the French military operation 'Serval', launched in support of the Malian army on 11 January 2013 in response to an offensive by radical Islamist groups, has been successful in retaking northern towns and areas captured by rebels, and whereas, according to the French government, the French troops began their phased withdrawal from Mali in April 2013;
- K. whereas the UN-sanctioned African-led International Support Mission in Mali (Afisma) already has 6 500 troops in the country; whereas UN Secretary-General Ban Ki-moon has pleaded that a UN peacekeeping force be deployed to Mali to stabilise the country;
- L. whereas on 25 April 2013 the UN Security Council adopted, under Chapter VII of the Charter, Resolution 2100 (2013) establishing the United Nations Integrated Stabilisation Mission in Mali (MINUSMA) in line with recommendations of the UN Secretary-General; whereas the 12 600-strong MINUSMA force will take over from Afisma on 1 July 2013, while the French troops are authorised, upon request of the UN Secretary-General, to intervene in support of elements of MINUSMA when under imminent and serious threat;
- M. whereas while the security situation in northern Mali has improved since the French intervention, the struggle against radical Islamist groups continues; whereas there is a need to maintain the momentum against isolated terrorist threats in some northern areas, such as the recent threats to Timbuktu and Gao, requiring a stabilising force and quick response capacities; whereas armed extremists are increasingly resorting to asymmetric tactics, such as guerrilla ambushes, suicide attacks, car bombings and the use of anti-personnel land-mines; whereas, therefore, maintaining peace and security in the medium and long term presents exceptional challenges;
- N. whereas the situation in Mali constitutes a threat to international peace and security, and requires a response that goes beyond addressing security threats, including a long-term commitment on the part of the international community and decisive action to tackle deep-rooted political, governance, development and humanitarian challenges;
- O. whereas for the past two decades elections have been held on a regular basis in Mali, and whereas prior to the coup d'état the country was seen as a success story for democracy in Africa, even though the country's economy never did progress sufficiently to provide a better future for its young people (many of whom were instead forced to migrate) or to improve the livelihood of the population in general;
- P. whereas relaunching the economic development of Mali requires targeted aid focusing on the real needs of the country;
- Q. whereas the Malian crisis is manifold and complex, and cannot be reduced to an ethnic conflict; whereas the solutions must therefore be comprehensive and coherent, encompassing economic, social and environmental policies that aim to improve the living standards of the population, and to achieve this it is important to understand past mistakes by analysing the internal and external factors of Mali's economic development failure;
- R. whereas unconstitutional change of government is a major obstacle to peace, security and development; whereas Article 25 of the African Charter — on democracy, elections and governance — stipulates that individual perpetrators shall not be allowed to participate in elections held to restore the democratic order or to hold any position of responsibility in political institutions of their State;
- S. whereas the human rights situation in Mali deteriorated sharply after the start of the rebellion in the north of the country and the military coup on 22 March 2012;

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- T. whereas there are massive humanitarian needs in Mali, where up to 1 million people have been dependent on food assistance, including 174 129 refugees in neighbouring countries and 300 783 internally displaced people; whereas an integrated return strategy is needed for when conditions in the north are conducive to safe, voluntary and dignified returns;
- U. whereas 750 000 people are in need of immediate food assistance and 660 000 children are at risk of malnutrition, including 210 000 at risk of severe malnutrition; whereas access to basic social services remains limited, particularly in the north;
- V. whereas an Action Plan for the Rehabilitation of Cultural Heritage and the Safeguarding of Ancient Manuscripts in Mali was adopted at an international experts meeting organised by Unesco in February 2013;
- W. whereas the European Union attaches great importance to the respect of human rights; whereas the population in northern Mali lives in an atmosphere of fear, and their human rights are systematically violated by radical Islamist groups;
- X. whereas on 15 May 2013 a high-level donor conference, 'Together for a New Mali', was held in Brussels convening delegations from 108 countries, including 13 heads of state and government, a large number of foreign affairs ministers and senior representatives of regional and international institutions, together with representatives of local authorities and civil society; whereas donors have undertaken to donate EUR 3,25 billion to Mali in the next two years, with the EU taking the lead by pledging EUR 520 million;
- Y. whereas the EU will collectively allocate EUR 1,35 billion in support of the Plan for the Sustainable Recovery of Mali (PRED), of which the Commission will contribute EUR 523,9 million, including EUR 12 million in humanitarian aid to meet the most urgent needs;
- Z. whereas the situation in Kidal remains uncertain and is threatening to disrupt the upcoming presidential elections, despite mediation efforts by Burkina Faso;
1. Stresses its commitment to the sovereignty, unity and territorial integrity of Mali; welcomes the French intervention in support of these principles as a first step towards the reconstruction and democratisation of Mali; calls for strong EU involvement in this process;
  2. Supports a Malian-led political process enabling the country to achieve long-term political stability and economic prosperity; underlines the importance of inclusive national dialogue, and of the reconciliation process, in the effort to reach a genuine and democratic political solution to the country's recurrent crisis; welcomes, in this context, the establishment of the National Dialogue and Reconciliation Commission on 6 March 2013, and expresses hope that it is rapidly made operational; welcomes the nomination of a woman and a Tuareg as vice-presidents of this Commission as a sign of a commitment to inclusiveness and plurality in the political process;
  3. Is deeply concerned about the situation in Kidal, where Tuaregs from the MNLA are still refusing to hand over control to the Malian army and are therefore seriously hampering the reconstruction process; invites the government and the MNLA to hold a preliminary discussion about the participation of MNLA in the Commission for National Dialogue and Reconciliation;
  4. Urges swift implementation of the roadmap, in order to sustain the transition until the constitutional order and the rule of law has been re-established throughout the country through the organisation of democratic, free, fair and transparent elections in 2013; welcomes the commitment on the part of the Malian authorities to organise the elections on 28 July and 11 August 2013, as well as the declarations by leaders of the transitional government not to stand for election; acknowledges the challenges that the organisation of the elections pose, including tasks such as ensuring security in the northern areas, issuing biometric voter cards and registering refugees on the electoral rolls, and calls on the EU and its international partners to step up their support for the upcoming electoral process; welcomes, in this respect, the intention of sending an EU electoral observation mission, as requested by the Malian government;
  5. Reaffirms that the presidential and legislative elections are seen as a first step towards a return to democracy, and that holding the elections is an essential element in ensuring the credibility and legitimacy of future governments;

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6. Welcomes the mediation efforts by the President of Burkina Faso in the ongoing negotiations in Ouagadougou between the Malian government and Tuareg rebels; calls for the rapid conclusion of the negotiations, and reiterates its determination to support the re-establishment of the State administration throughout the territory of Mali and the forthcoming holding of elections, including in Kidal Region and in refugee camps;
7. Insists that any political solution to rebuild Mali needs to be accompanied by a clear and sustainable economic development strategy that addresses the problem of unemployment in order to improve the livelihood of the population, and stresses that the provision of basic services such as health, education, water and sanitation must be resumed as they are essential to the stability of the country; believes that institutional reforms are necessary to ensure political stability and to allow the Malian community as a whole to be involved in building the country's future; stresses as well the need to strengthen democratic processes and accountability throughout the country if better development results are to be attained;
8. Welcomes the sustainable recovery plan for 2013-2014 that forms part of the Roadmap for Transition of 29 January 2013 and the Strategic Framework for Growth and Poverty Reduction 2012-2017 of December 2011 (CSCR 2012-2017);
9. Is convinced that the success of the Plan for the Sustainable Recovery of Mali requires that account be taken of the regional and sub-regional dimension, in particular through consolidation of good governance and greater economic integration, development of economic infrastructure, development of human resources in healthcare and education, and establishment of a partnership to mobilise resources and monitor evaluation;
10. Invites the Malian government to work together with relevant international organisations and NGOs in order to provide the people of Mali with adequate and coordinated support;
11. Takes the view that responding to Mali's development challenges requires both adequate funding and improved coordination, both at EU level and with other international donors; strongly supports a tailor-made approach that focuses on the needs of the country and that reflects the progress made towards implementing the roadmap and restoring the rule of law;
12. Calls on the EU and its international partners to help West African governments fight against drug trafficking and the proliferation of arms; calls on the countries in the region to put a balanced and sustainable development strategy at the heart of their development policy, provide basic public services to the population in general and create employment opportunities, in particular for the young;
13. Calls on the EU, the UN and the individual states to provide logistic and technical support to help Malians fight against drug trafficking and the proliferation of arms; invites all countries in the Sahel region to coordinate their respective security policies with a view to formulating a strong response to trafficking;
14. Stresses that security and development in the Sahel are mutually reinforcing; welcomes the initial intervention by France, reinforced by the Afisma (and, with effect from 1 July 2013, the MINUSMA), to halt further destabilisation and to counter extremist forces; underlines the important complementary role of the EU Training Mission (EUTM Mali) in providing decisive assistance in building the longer-term capacity of the Malian army; recalls that longer-term stability, security and territorial integrity of the country requires not only that violent and radical extremists — and traffickers in arms, drugs and people — are defeated but that alternatives to the illegal activities of impoverished people and unemployed youth are promoted;
15. Underlines the need to find a regional solution, rooted in a regional agreement supported by a conference of the countries of the sub-region, in particular Algeria and Mauritania;
16. Calls for the reform of the Malian armed forces, and the broader security services, to be stepped up under democratic and civilian control in order to ensure stability and build confidence in the role of the security sector in contributing to lasting peace and democracy in the country;
17. Calls on the Malian government to pay particular attention to promoting human rights throughout the territory of Mali, and to prosecute all those who have committed serious violations of human rights, regardless of whether they belong to radical Islamist groups or to the Malian army;

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18. Commends the efforts of the African countries that contributed to Afisma and welcomes its deployment to Mali; welcomes, equally, the adoption of UN Security Council Resolution 2100 (2013) establishing the United Nations Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), an operation with a robust mandate to stabilise the country, support the implementation of the roadmap for transition, protect civilians, promote and protect human rights, as well as support humanitarian assistance, cultural preservation and national and international justice; expresses its hope that MINUSMA will soon be fully operational and that the security situation will be such that it can be deployed on 1 July 2013;

19. Welcomes the launch of EUTM Mali on 18 February 2013 and its mandate to support the reform of the Malian armed forces under democratic civilian control; recalls the urgent need to support the Malian government in ensuring that it can maintain its territorial integrity over the longer term, which includes having the means to address key asymmetric threats represented by the radical Islamist groups and by those trafficking in people, goods and arms; takes the view that the EU should consider including in the training programmes of the Malian armed forces modules on good practices, human rights and fighting corruption;

20. Notes the complementary work of EUCAP Sahel Niger in providing training to strengthen the security sector in neighbouring countries and in coordinating with EUTM Mali through a liaison officer in Bamako; calls on the VP/HR to set out options for providing similar support for the reform of the broader security sector in Mali (including police, national guard, gendarmerie and the justice sector), inter alia by assessing whether this could be done through an extension of the mandate of EUTM Mali or EUCAP Sahel Niger, or through the creation of a new CSDP Mission dedicated to the broader reform of the civilian security sector;

21. Condemns the human rights violations and calls for the perpetrators to be held responsible; welcomes the decision by the International Criminal Court (ICC) to open an inquiry, and calls on the Malian authorities to cooperate with the ICC; welcomes the deployment of the first human rights observers in Mali, in accordance with the decisions of the African Union Peace and Security Council and Ecomog; underlines that political reconstruction and its credibility also depend on the establishment of transitional justice mechanisms;

22. Calls for the provision to continue of humanitarian aid to populations in need, and for measures to be taken to ensure the free and voluntary return of the refugees; stresses the need to maintain a clear distinction between humanitarian and political/security agendas in order to ensure the impartiality of humanitarian action, the safety of humanitarian workers and the access to relief of those in need;

23. Invites all security forces in Mali to secure the country in order to allow humanitarian aid to reach the whole population;

24. Reiterates its condemnation of the looting and destruction of cultural heritage sites; welcomes the recent measures taken by Unesco to rehabilitate Mali's cultural heritage;

25. Takes the view that the EU should, in light of the Malian crisis, make necessary adjustments to the European Strategy for Security and Development in the Sahel; underlines the need for better integration between the development and security pillars of the strategy, and for better coordination of its policy instruments; stresses the need to improve the EU's early warning systems in order that it may realise the strategy's preventive dimension;

26. Welcomes the positive outcome and the conclusions of 'Together for a New Mali', the high-level donor conference organised by the EU and France together with Mali and held in Brussels on 15 May 2013 in support of the Plan for the Sustainable Recovery of Mali; calls on the EU and its international partners to implement their mutual commitments as part of an effective and coordinated follow-up to the conference; stresses, in this context, the importance of initiating a global reform of governance in Mali, of establishing a new decentralisation policy and of creating the conditions for sustainable economic and social development in Mali;

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27. Stresses the need for closer regional cooperation, and takes the view that the EU should use its political influence and financial leverage to encourage its partners in the region to harmonise their often fragmented political, diplomatic and military initiatives in order to address more effectively the multi-faceted challenges that the Sahel faces;

28. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Government and National Assembly of Mali, the African Union, Ecowas, the Secretary-General of the United Nations, the United Nations Human Rights Council and the United Nations Educational, Scientific and Cultural Organisation.

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P7\_TA(2013)0282

## **Partnership and cooperation agreement with Afghanistan**

### **European Parliament resolution of 13 June 2013 on the negotiations on an EU-Afghanistan cooperation agreement on partnership and development (2013/2665(RSP))**

(2016/C 065/18)

*The European Parliament,*

- having regard to its previous reports and resolutions on Afghanistan, in particular its resolutions of 16 December 2010 on a new strategy for Afghanistan<sup>(1)</sup>, of 15 December 2011 on budgetary control of EU financial assistance to Afghanistan<sup>(2)</sup> and of 15 December 2011 on the situation of women in Afghanistan and Pakistan<sup>(3)</sup>,
  - having regard to the United Nations Security Council resolutions on Afghanistan, including Resolution 2096 of March 2013,
  - having regard to the conclusions of the International Afghanistan Conferences of 2011 and 2012, including those held in Bonn in December 2011, in Chicago in May 2012, in Kabul in June 2012 and in Tokyo in July 2012,
  - having regard to the statement issued by the EU Delegation to Afghanistan in agreement with the EU Heads of Mission in Afghanistan on 19 November 2012, concerning the execution of people sentenced to death,
  - having regard to the EU Foreign Affairs Ministers' decision of 27 May 2013 to extend the EU's police mission in Afghanistan (EUPOL) until 31 December 2014,
  - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the EU has been supporting the reconstruction and development of Afghanistan since 2002 and continues to be committed to peaceful transition in Afghanistan, its inclusive and sustainable development and the stability and security of the whole region;
- B. whereas the provision of EU assistance from 2011 to 2013 has focused on key sectors of governance (including the police), agriculture, rural development, health and social protection;
- C. whereas the EU and Afghanistan are about to conclude negotiations on a cooperation agreement on partnership and development (CAPD) which will place EU-Afghanistan cooperation on a new, comprehensive level, with a new legal framework;

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<sup>(1)</sup> OJ C 169 E, 15.6.2012, p. 108.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0578.

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0591.

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- D. whereas Parliament has asked for a five-year action plan for the elimination of opium cultivation through alternative development in Afghanistan;
- E. whereas the EU is supporting the training of police forces and capacity-building in Afghanistan, and whereas since 2007 the EUPOL mission has been supporting a sustainable and effective civil police force which will help in establishing a criminal justice system under Afghan ownership;
- F. whereas, according to the United Nations Office on Drugs and Crime, the number of Afghan citizens addicted to drugs is still increasing, with a major social impact on the population;
- G. whereas despite the active role being played by the EU in supporting counter-narcotics measures, significant results are very limited;
- H. whereas the lack of coordination between donors to Afghanistan and the Afghan Government is undermining the effectiveness of EU contributions to Afghanistan;
- I. whereas, since the Lisbon Treaty, Parliament has played a key role in giving the consent required for new cooperation agreements;
1. Reaffirms its continued support for the construction of an Afghan state with stronger democratic institutions capable of securing national sovereignty, state unity, territorial integrity and prosperity for the people of Afghanistan; reaffirms that the peaceful future of Afghanistan depends on the building of a stable, secure and economically sustainable state which is free of terrorism and narcotics and is based on the rule of law, strengthened democratic institutions, respect for the separation of powers and a strong parliament, and the guarantee of fundamental rights; appreciates, in this connection, the important contributions made by EU development cooperation and by the EUPOL Afghanistan mission, the extension of which is welcomed;
  2. Welcomes the efforts and progress made in the last decade; reiterates, however, its concern about the security situation and the ongoing violence in Afghanistan, which are resulting in threats to the local population, including women, children, national security forces and international military and civilian personnel;
  3. Urges the Afghan Government to prepare to take over full responsibility for its security following the withdrawal of international forces; calls on the EU and its Member States to step up their efforts to support the military and civilian capacity-building of the Afghan Government and its national security forces in order to establish stability and security as an essential basis for socio-economic development and avoid creating a vacuum once the country assumes full responsibility for its own security after 2014; underlines the risk that the withdrawal of international forces in 2014 may create an economic vacuum;
  4. Supports the negotiations on a cooperation agreement on partnership and development and stresses that it should lead to a more strategic approach and to support for the Afghan authorities during and after the withdrawal of international forces;
  5. Stresses the importance of this new agreement comprising a comprehensive and sustainable approach to addressing the security, economic, governance and development challenges in Afghanistan, which are interconnected;
  6. Calls on the Afghan authorities to commute all death sentences and to reintroduce a moratorium on executions with a view to the permanent abolition of the death penalty;
  7. Considers regrettable the lack of political momentum for the conclusion of the CAPD negotiations; calls, therefore, on the European External Action Service (EEAS) and the Afghan Government to conclude them swiftly;
  8. Calls for the EU, within the framework of the new agreement, to continue its efforts to support democratic values, the rule of law, a reliable governance system (including the fight against corruption), an independent judiciary, human rights and the creation of a genuine civil society;

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9. Regrets the fact that despite the EEAS's obligation to inform Parliament concerning all stages of the negotiations, Parliament has not been properly informed; recalls its new prerogatives in foreign affairs as stipulated in the Lisbon Treaty, and demands full cooperation from the EEAS and the Council on an issue of such major importance;

10. Points to the need for further socio-economic development and economic diversification; stresses, in this connection, the potential to boost growth by exploiting energy resources and placing a stronger focus on the extractive industry; underlines, however, the need for the extractive industry to operate transparently and the need to apply the standards laid down by the International Extractive Transparency Initiative;

11. Notes that despite some progress in the field of gender equality and fundamental rights over the last decade, women in Afghanistan are still the most vulnerable segment of society and continue to be subjected to threats, intimidation and violence and to suffer from discriminatory laws; highlights the need — from both a legal and a practical perspective — to integrate women fully into society and ensure their full participation, and to achieve real empowerment of women; strongly condemns the fact that many women are victims of ongoing threats and violence and that in the last few years prominent women in Afghan public life have been murdered or had attempts made on their lives, while the perpetrators have not been brought to justice;

12. Stresses the need for continuing support for the development of infrastructure in many sectors, including schools, hospitals, transport, energy grids, agriculture and the empowerment of women in Afghanistan, in line with EU development aid even before the 2001 intervention;

13. Regrets the fact that the EU anti-narcotics initiative has not achieved satisfactory results so far; points out that drug production and trafficking sustain 'insurgent' groups and fuel corruption at various levels; stresses that the main focus of action against narcotics should be on supporting income alternatives for farmers; highlights, in this connection, the need for a broader strategy in relation to sustainable rural development and water management;

14. Recalls that more than 90 % of heroin in Europe originates in Afghanistan and that the costs to public health in European countries run into billions of dollars; notes, however, that opium production is a key social, economic and security issue; regrets the fact that in 2011 opium production rose by 61 % by comparison with 2010, accounting for 9 % of Afghanistan's GDP in 2011;

15. Notes that between 2009 and 2011 the US and the international community spent USD 1,1 billion on counter-narcotics measures without achieving any significant impact on production and trafficking; recalls that Parliament has repeatedly called for the establishment of a five-year opium elimination plan with specific deadlines and benchmarks, to be implemented through a dedicated office with its own budget and staff and on the basis of cooperation between the EU, the US and the Russian Federation, the latter being the main victim of Afghan heroin and the world's largest opium market;

16. Recalls that between 2002 and the end of 2011 the EU committed a total of approximately EUR 2,5 billion in assistance to Afghanistan, including EUR 493 million in humanitarian assistance; regrets the fact that despite the huge injections of foreign aid the impact has been limited; invites the Court of Auditors to draw up a special report on the effectiveness of EU assistance to Afghanistan over the last decade, similar to the one on the EULEX mission in Kosovo;

17. Expresses the strongest possible concern about the inefficiency of international financial support and of Afghan government structures, and about the lack of transparency and the limited mechanisms for donor accountability;

18. Deplores the fact that a significant proportion of European and other international aid money is lost in the course of the distribution chain, and draws attention to the four main ways this happens: waste, excessive intermediary and security costs, overbilling and corruption;

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19. Reiterates that it is crucial to coordinate EU assistance on the basis of a joint approach involving Member States and international actors in a common strategy; welcomes the strategic consensus between the Government of Afghanistan and the international community on a renewed and enduring partnership for the next decade, as stated in the conclusions of the Tokyo Conference on Afghanistan and the Tokyo Mutual Accountability Framework;

20. Stresses the importance of a comprehensive and inclusive Afghan-led and -owned approach to reconciliation in Afghanistan for all those who renounce violence, respect the constitution — including its human rights provisions, in particular those relating to the rights of women — and are willing to join in building a peaceful Afghanistan; stresses that the peace process should involve the political opposition, civil society in general and women in particular, and be as inclusive as possible; calls for the role of the High Peace Council in this area to be strengthened and focused more closely on the actual peace process;

21. Recalls the commitments made by the Government of Afghanistan at the International Afghanistan Conferences in Kabul and Tokyo to strengthen and improve Afghanistan's electoral process, including through long-term electoral reform, in order to ensure that future elections meet international standards; welcomes the announcement of the date for the 2014 presidential and provincial council elections, along with Afghanistan's preparations for those elections; stresses the need to mobilise participation, which may depend on the security situation, especially in the southern and eastern provinces; reminds the Afghan authorities of the need for oversight by national and international observers of the national electoral roll and the organisation and monitoring of the voting process in the forthcoming elections; calls for the EU to provide support, at the request of the Afghan authorities, for the organisation of the forthcoming elections;

22. Stresses the need for regional cooperation which has the objective of promoting stability and security in the wider region; emphasises the need for enhanced cooperation with Russia, Pakistan, Central Asia, India and Iran as part of a regional framework, in order to address the challenges presented by security issues, cross-border trafficking in people and goods, and the fight against the illegal production and trafficking of drugs;

23. Calls on the EEAS to improve its cooperation with Parliament in relation to EU assistance to Afghanistan, including the progress of negotiations; expects full information on the terms of negotiations and regular reporting once the agreement has been adopted;

24. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States, the Government and Parliament of Afghanistan, the Council of Europe and the Organisation for Security and Cooperation in Europe.

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## **Millennium development goals**

### **European Parliament resolution of 13 June 2013 on the Millennium Development Goals — defining the post-2015 framework (2012/2289(INI))**

(2016/C 065/19)

*The European Parliament,*

— having regard to the United Nations Millennium Declaration of 8 September 2000,

— having regard to the Resolution entitled 'Keeping the promise: United to achieve the Millennium Development Goals' adopted by the General Assembly at the High-Level Plenary Meeting of the UN General Assembly on the Millennium Development Goals, at its sixty-fifth session in 2010,



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- having regard to the Fourth World Conference on Women held in Beijing in September 1995, the Declaration and Platform for Action adopted in Beijing and the subsequent outcome documents adopted at the UN Beijing + 5, Beijing + 10 and Beijing + 15 Special Sessions on further actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted on 9 June 2000, 11 March 2005 and 2 March 2010 respectively, in which member states undertook to take action to promote gender equality between women and men in 12 areas,
- having regard to the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020,
- having regard to the implementation of the Programme of Action of the International Conference on Population and Development (ICPD) decided upon in Cairo in 1994, recognising that sexual and reproductive health and rights are fundamental to realise sustainable development,
- having regard to the report of the United Nations Development Programme (UNDP) entitled 'Beyond the Midpoint: Achieving the Millennium Development Goals', published in January 2010,
- having regard to the UNDP Human Development Report 2010 entitled 'The Real Wealth of Nations: Pathways to Human Development',
- having regard to the UN 'Gender Chart 2012', which measures improvements regarding the gender equality aspects of the eight MDGs,
- having regard to the United Nations Development Programme (UNDP) 2011 Human Development Report,
- having regard to the final declaration adopted at the UN Conference on Sustainable Development (Rio+20) held in Rio de Janeiro, Brazil, from 20 to 22 June 2012,
- having regard to the convention on the elimination of all forms of discrimination against women (CEDAW) adopted in 1979 by the UN General Assembly, defining what constitutes discrimination against women and setting up an agenda for national action to put an end to such discrimination,
- having regard to the Universal Declaration of Human Rights and the human rights legal framework,
- having regard to the work of the UN System Task Team on the Post-2015 UN Development Agenda, led jointly by the UN Department of Economic and Social Affairs (UN DESA) and the UNDP, with support from all UN agencies and in consultation with relevant stakeholders,
- having regard to the June 2012 UN Report to the UN Secretary General entitled 'Realizing the future we want for all',
- having regard to the work of the UN Secretary-General's High-Level Panel of Eminent Persons on the Post-2015 Development Agenda and the outcome of the Rio+20 conference,
- having regard to the Monterrey Consensus adopted at the international conference on Financing for Development held in Monterrey, Mexico, from 18 to 22 March 2002,
- having regard to the declaration and action plan adopted at the High-Level Forum on Aid Effectiveness held in Busan in December 2011,
- having regard to the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action,
- having regard to the European Consensus on Development <sup>(1)</sup> and the EU Code of Conduct on Complementarity and Division of Labour in Development Policy <sup>(2)</sup>,

<sup>(1)</sup> OJ C 46, 24.2.2006, p. 1.

<sup>(2)</sup> Council Conclusions 9558/07, 15.5.2007.

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- having regard to Article 7 of the Treaty on the Functioning of the European Union (TFEU), which reaffirms that the EU shall ensure consistency between its policies and activities, taking all of its objectives into account,
- having regard to Article 208 TFEU, which stipulates that ‘the Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries’,
- having regard to the Commission communication of 12 April 2005 entitled ‘Policy Coherence for Development’ (COM(2005)0134), and the Council conclusions entitled ‘Policy Coherence for Development’, 3166th Foreign Affairs Council meeting of 14 May 2012,
- having regard to the Commission communication of 3 March 2010 entitled ‘An EU policy framework to assist developing countries in addressing food security challenges’ (COM(2010)0127),
- having regard to the Commission communication of 31 March 2010 entitled ‘Humanitarian Food Assistance’ (COM(2010)0126),
- having regard to the Commission communication of 3 October 2012 entitled ‘The EU Approach to Resilience: Learning from Food Security Crises’ (COM(2012)0586),
- having regard to the Commission communication of 12 March 2013 entitled ‘Enhancing Maternal and Child Nutrition in External Assistance: an EU Policy Framework’ (COM(2013)0141),
- having regard to the European Report on Development of 19 September 2008 entitled ‘Millennium Development Goals at Midpoint: Where do we stand and where do we need to go?’,
- having regard to the Commission communication of 27 February 2013 entitled ‘A decent life for all: Ending poverty and giving the world a sustainable future’ (COM(2013)0092),
- having regard to the proposal for a regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries (COM(2011)0843, SEC(2011)1475, SEC(2011)1476),
- having regard to the Commission proposal of 7 December 2011 for a regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (COM(2011)0840),
- having regard to the Commission communication of 29 June 2011 entitled ‘A Budget for Europe 2020’ (COM(2011)0500) and the Commission working paper of the same date entitled ‘A Budget for Europe 2020: the current system of funding, the challenges ahead, the results of stakeholders consultation and different options on the main horizontal and sectoral issues’ (SEC(2011)0868),
- having regard to the Commission’s joint communication of 7 December 2011 to the European Parliament and the Council entitled ‘Global Europe: A New Approach to financing EU external action’ (COM(2011)0865),
- having regard to the Commission communication of 7 December 2011 entitled ‘Preparation of the multiannual financial framework regarding the financing of EU cooperation for African, Caribbean and Pacific States and Overseas Countries and Territories for the 2014-2020 period’ (COM(2011)0837),
- having regard to the Council conclusions on EU Support for Sustainable Change in Transition Societies, 3218th Foreign Affairs Council meeting of 31 January 2013,
- having regard to the Council conclusions entitled ‘Increasing the Impact of EU Development Policy: an Agenda for Change’, 3166th Foreign Affairs Council meeting of 14 May 2012,
- having regard to the Commission communication of 12 September 2012 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘The roots of democracy and sustainable development: Europe’s engagement with Civil Society in external relations’ (COM(2012)0492),

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- having regard to the Commission's public consultations on the preparation of an EU position 'Towards a Post-2015 Development Framework' <sup>(1)</sup>, which ran from 15 June 2012 to 15 September 2012 and was open to all interested stakeholders, individuals, organisations (governmental/non-governmental, parliamentary, academic, private-sector, etc.) and countries,
  - having regard to the Commission communication of 21 April 2010 entitled 'A twelve-point EU action plan in support of the Millennium Development Goals' (COM(2010)0159),
  - having regard to its resolution of 15 June 2010 on 'progress towards the achievement of the Millennium Development Goals: mid-term review in preparation of the UN high-level meeting in September 2010' <sup>(2)</sup>,
  - having regard to the January 2013 study entitled 'Millennium Development Goals and beyond 2015 — a strong EU engagement',
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Development and the opinion of the Committee on Women's Rights and Gender Equality (A7-0165/2013),
- A. whereas the Millennium Development Goals (MDGs) have raised awareness that ending global poverty is an urgent challenge and a priority for global action thanks to their limited set of concrete and time-bound targets; whereas, two years from the 2015 target date for the MDGs, there has been significant progress: the target of reducing extreme poverty by half has been reached, as has the target of halving the proportion of people who lack dependable access to improved sources of drinking water, conditions for over 200 million people living in slums have been improved, primary school enrolment of girls now equals that of boys and accelerating progress in reducing child and maternal mortality can be seen; whereas, however, the current MDGs do not sufficiently address the root causes of poverty such as inequalities within and among countries, social exclusion, biodiversity and governance;
- B. whereas the European Consensus for Development, signed by the Commission, the Council and Parliament is an *acquis communautaire*; recalling the importance and scope of this document, which enshrines the European Roadmap for development, as well as the *acquis* and the guidelines arising from it;
- C. whereas the MDGs have helped to define poverty as a multidimensional deprivation in people's lives, covering education, health, the environment, food, employment, housing and gender equality;
- D. whereas global challenges remain and are expected to increase — poverty, hunger and malnutrition, lack of access to quality health care for all, restricted access to medication, lack of proper, safe sanitation and hygiene, insufficient levels of quality, primary and secondary education, high unemployment — particularly youth unemployment, lack of social protection and respect for human rights, inequalities, including gender, as well as environmental degradation and climate change — prompting the need to find new development pathways that could lead to inclusive and sustainable development for all;
- E. whereas nearly one billion people in the world are undernourished and more than 200 million are unemployed; whereas only 28 % of the global population is covered by comprehensive social protection systems, reflecting high degrees of informal employment and whereas an estimated 1,4 billion people lack access to sufficient energy services, hampering their ability to overcome poverty;
- F. whereas the problem of malnutrition in developing countries kills an estimated 2,6 million children every year and owing to the effects of climate change the number of undernourished is expected to increase;

<sup>(1)</sup> [http://ec.europa.eu/europeaid/what/millennium-development-goals/index\\_en.htm](http://ec.europa.eu/europeaid/what/millennium-development-goals/index_en.htm)

<sup>(2)</sup> OJ C 236 E, 12.8.2011, p. 48.

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- G. whereas an estimated 140 million girls will become child brides by 2020 if current rates of early marriage continue;
- H. whereas three-quarters of the world's poor people live in middle income countries and, according to the World Development Indicators 2008 of the World Bank, income and wealth inequalities within countries have increased since the early 1980s, including in high-income countries; whereas insecurity about incomes and jobs has also increased owing to patterns of globalisation based on outsourcing and weaker labour protection;
- I. whereas it is projected that in 2015 more than 600 million people will still be using unimproved water sources which pose a risk to health and that one billion people, of which 70 % are women, will be living on less than USD 1,25 per day, especially in a number of African countries, but also in emerging countries, and, if present trends continue, the MDG target to halve the proportion of people living without basic sanitation services will not be met until 2049; whereas currently almost 200 million people are unemployed, about 74 million of those are between the ages of 15 and 24, and only 20 % of the world's population has adequate social security coverage, while more than half lack any coverage at all; whereas declaring 2015 the European Year for Development will thus help raise public awareness in Europe of the importance of the new MDGs;
- J. whereas the global food, energy and financial crisis of 2007-2010, coupled with the global economic decline and climate change, highlighted the fragility of global food supply systems and exposed failures of financial and commodity markets and of global governance mechanisms;
- K. whereas sustainability concerns, including the urgent need to reduce global greenhouse gas emissions and to achieve more equitable and sustainable management and governance of natural resources, represent the key challenge for a transformative agenda;
- L. whereas the 1986 Declaration on the Right to Development affirms development as a fundamental human right; whereas the Declaration commits to a 'human rights based' approach, characterized by the realisation of all human rights (economic, social, cultural, civil and political) and whereas the Declaration also commits to strengthening international cooperation;
- M. whereas the achievement of the MDGs before the deadline will depend largely on the fulfilment of the Global Partnership for Development, and whereas the EU and its Member States should stick to their commitments and not allow the current economic and financial crisis to halt the progress that has been made;
- N. whereas Article 208 TFEU establishes that the reduction and, in the long term, eradication of poverty is the primary objective of EU development policy;
- O. whereas 50 years of donor-driven development policy have created excessive addiction and dependency <sup>(1)</sup>;
- P. whereas the UN is working closely with all stakeholders, in an inclusive manner, to build on the momentum generated by the MDGs and to carry on with an ambitious post-2015 development agenda, which should be based on better quality aid, improved coordination, and respect for the principles of policy coherence;
- Q. whereas the EU's commitment to ensure policy coherence for development (PCD), in accordance with the conclusions of the European Council in 2005, was reaffirmed in its conclusions of 14 May 2012 <sup>(2)</sup>;
- R. whereas the EU, as the world's largest donor, is determined to achieve the MDGs on time and is deeply engaged in the negotiations on the post-2015 development agenda;

<sup>(1)</sup> <http://www.ecdpm-talkingpoints.org/african-consultations-post2015-development-agenda>.

<sup>(2)</sup> Doc. 9317/12.

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- S. whereas the European Parliament attaches particular relevance to this process and considers that the EU should work as a driving force for the post-2015 framework;
- T. whereas a significant number of fragile or conflict-affected states have not met a single MDG target <sup>(1)</sup>;
- U. whereas the lack of peace, security, democracy, respect for human rights and political stability, together with corruption and human rights violations, prevents poor countries from fulfilling their development potential;
- V. whereas 75 % of the world's poor people live in middle-income countries (MICs), despite their economic growth and whereas the specific situation in MICs, should not therefore be overlooked when reviewing the MDGs while taking into account the principle of differentiation as agreed in the new development agenda;

#### **I. Millennium Development Goals and new challenges**

1. Affirms that the Millennium Development Goals defined in 2000 figure among many successes in middle-income countries and developing countries and that these results must be correctly analysed for the future framework in order to achieve more global and sustainable results;
2. Stresses that the global landscape has dramatically changed over the last decade, as has the nature of poverty, with an increased gap and inequality between and within countries becoming a major issue in the context of poverty eradication;
3. Points out that although some developing countries have become donors, they still face high and increasing levels of inequality comparable to that of other developing countries; points out that, among other things, climate change, food insecurity, migration, unemployment, demographic change, corruption, resource constraints, unsustainable growth, financial and economic crises and human rights violations pose complex and interrelated challenges;
4. Recalls that environmental degradation jeopardises the achievement of MDGs, including the objective of eradicating extreme poverty and hunger; in particular, recalls that persistent inequalities and struggles over scarce resources are among the key drivers of conflict, hunger, insecurity and violence, which in turn are key factors that hold back human development and efforts to achieve sustainable development; calls for the adoption of a more holistic approach that reflects the outcome and follow-up of the Rio+20 Conference on Sustainable Development;
5. Stresses the need for coherence between the EU's trade policies and its policies on development, in particular as regards the outermost regions;
6. Urges the EU to lead with one strong voice during the discussions on the post-2015 framework and up until the UN Summit and to adopt a common, effective and ambitious position on the principles and goals that should be part of the new post-2015 development framework; points out, at the same time, that there must be a single, comprehensive and integrated framework, with clear benchmarks incorporating the key development and sustainability issues, and that this framework must be universal and global in nature, promoting prosperity, human rights and well-being for all and signifying the direct and active involvement of all countries in its construction and implementation, and paying attention to the role and responsibilities of richer countries — beyond financing — in its success;
7. Points out that the global partnership for development should be reoriented to take into account the changed context and should be closely linked to the new dimensions of the post-2015 agenda; underlines that a reshaped and reinvigorated global partnership for development will be essential for implementing the post-2015 agenda and for ensuring effective accountability mechanisms at all levels;
8. Considers that this unified approach requires due coordination between the EU and its Member States before it is presented at the New York Autumn Summit as well as high visibility during the negotiation process under the leadership of the European Commissioner for Development; calls on the EU, which is the major donor worldwide, to fully assume its role as the key player on the post-2015 agenda;

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<sup>(1)</sup> OECD et al, 2011, 'Conflict, fragility and armed violence are major factors preventing the achievement of the MDGs'.

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9. Calls for the goals of the post-2015 development framework to include the MDGs as well as the sustainable development goals (SDGs) and promote prosperity and well-being for all, including disadvantaged groups, such as women, children, the elderly and persons with disabilities; stresses that there must be genuine flexibility according to capacities to set national targets with direct and active involvement of developing countries and development partners, especially civil society; points out that rich countries must make strong commitments, both related to their own development and to their policies that affect other countries;

10. Stresses that the lack of progress on those MDGs that relate to the position of women is caused not only by financial or technical obstacles, but particularly by a lack of political will;

## II. *Poverty eradication*

11. Urges that poverty eradication, which is the primary objective of EU development cooperation, and the achievement of sustainable social and environmental development within the planetary boundaries must be the imperative global priorities for the post-2015 development agenda;

12. Stresses that inequality hampers economic development and poverty reduction efforts; in particular, recalls that high levels of inequality make it difficult to construct broad-based, redistributive and fiscally sustainable social welfare systems that are grounded on principles of social solidarity, while high levels of inequality may raise crime levels or cause violent conflict, especially in multi-ethnic societies; believes that the structural causes of poverty need to be addressed in order to bring real change to society;

13. Acknowledges the ways in which development and poverty eradication are intertwined with the challenges of peace and security, the environment, human rights, gender equality, democracy and good governance; hence, calls for a renewed approach to poverty eradication which takes into consideration the importance of inclusive economic development and growth, redistribution of wealth through budgetary means, decent work, efficient professional training, environmental sustainability, human rights and good governance;

14. Calls for the 'post-MDG agenda' to be anchored to the 1986 Declaration on the Right to Development, which not only affirms development as a fundamental human right but also addresses development as a process;

15. Calls for the integration of gender mainstreaming into a growth-oriented approach to end poverty and for the inclusion of gender equality in all EU programmes, policies and strategies and across the post-2015 framework;

16. Stresses that inclusiveness is a dynamic concept that goes beyond a 'pro-poor' strategy, and implies broadening the focus to include vulnerable populations in precarious livelihoods, which calls for development strategy to be anchored in the macroeconomic framework; considers that defining qualitative indicators will be critical to monitor both the degree to which development progress is inclusive and sustainable, and the extent to which the needs of the most deprived and vulnerable groups are being addressed;

17. Calls, in this connection, for a broader definition of poverty than one based on gross domestic product (GDP) alone; stresses that global and national averages exclude large numbers of the world's poor;

### *Health, nutrition, education and social protection*

18. Recognises that addressing child and maternal malnutrition requires long-term development strategies, focusing on sectors which influence malnutrition, such as health, education, water and sanitation, and agriculture;

19. Recalls that the multidimensionality of human well-being needs to be fully acknowledged; recalls, in this respect, that health, nutrition, social protection, gender equality and education are key drivers of poverty eradication and inclusive economic development;

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20. Stresses the importance of reducing gender gaps firstly in education, when it comes to raising the average quality of human capital, and secondly in health, in order to make better progress in improving maternal health and reducing child mortality rates;
21. Asks for the EU to strongly defend the right to the highest attainable standard of health, including sexual and reproductive health and rights and the integration of HIV/AIDS, inter alia in the provision of voluntary family planning, safe abortion and contraceptives;
22. Stresses that the post-2015 MDG framework includes a specific goal on the elimination of all forms of violence against women;
23. Stresses that access to universal health coverage (UHC) — combining both treatment and a preventive approach —, universal access to adequate nutritious food, and high quality education for all and at all levels which enable employment should be considered to be major goals of the post-2015 agenda;
24. Insists that the post-2015 framework must include, firstly, targets on the accessibility and affordability of quality health care with a focus on health promotion, prevention and curative interventions including sexual and reproductive health and rights and HIV/AIDS as key elements, and secondly, practical steps towards the establishment of basic health care systems that ensure prevention, treatment, care and support for all people, including the most marginalised and disadvantaged groups such as minorities, prisoners, migrants, undocumented people, sex workers and drug users;
25. Calls for accelerated global action to reduce maternal, newborn and child mortality and reaffirms the central importance of universal access to reproductive health care;
26. Calls for continued support for research into more effective and sustainable prevention and treatment programmes, including research and development in relation to effective forms of medical intervention, including vaccines, drugs and diagnostics;
27. Notes that women play a crucial role in nutrition and food security, being responsible for 80 % of farming in Africa, even though they are still hardly ever able to own the land they cultivate; stresses that the eradication of hunger consequently depends on aid to enable small-scale farmers to produce sufficient food for themselves and their families; points out that most small-scale farmers are women; calls for a gender-sensitive approach that is integrated into all elements of food security programming; underlines the need to prevent and treat malnutrition by means of evidence-based intervention, giving priority to pregnant women and young children;
28. Underlines the need to design and implement health programmes in order to strengthen health systems, taking into account the fact that the global economic crisis has undermined progress on HIV/AIDS, tuberculosis, malaria and neglected tropical diseases;
29. Stresses the importance of the goal of improved maternal health with regard to reducing the maternal mortality rate and achieving universal access to sexual and reproductive health services and family planning; stresses the importance of education and awareness-raising in the area of sexual and reproductive health as an integral part of the women's health agenda;
30. States that special attention needs to be paid to educating both sexes about gender issues from the outset of their schooling, so that attitudes and social stereotypes gradually change and gender equality becomes a basic principle of society in all countries of the world;
31. Urges that the provision of EU humanitarian aid that contributes to the attainment of the MDGs and should effectively be excluded from the restrictions on humanitarian aid imposed by the USA or other donors, in particular by ensuring access to abortion for women and girls who are victims of rape in armed conflicts;
32. Recognises that decent work opportunities enable poor households to lift themselves out of poverty and are key vehicles for individuals and families to gain self-esteem, a sense of belonging to a community and a way to make a productive contribution; calls for full and productive employment and decent work to be a central goal of the post-2015 development agenda and calls for this goal to be supported through the implementation of well-designed national social protection floors for poverty reduction and resilience;

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33. Maintains that health information and education are key elements in better public health;
34. Urges that special attention should also be paid to tackling non-communicable diseases, such as cancer;
35. Calls for the post-2015 MDG framework to advance women's empowerment and gender equality by closing gender gaps at all levels of education, with specific targets including universal access to and completion of quality education (at primary, secondary, and higher level) and vocational training within a youth-friendly job creation policy environment, the elimination of female illiteracy, and access to comprehensive sexuality education inside and outside school;

**III. Good governance**

36. Stresses that the post-2015 sustainable development framework requires respect for the principle of democratic governance and human rights, effective, transparent and accountable institutions and partners at all levels and an empowered civil society that is systematically involved in the democratic process; insists that the framework must be driven by the key notions of participatory democracy and effective citizenship through the full and increased exercise of civic and political rights;
37. Calls on the EU to share its experience and expertise with developing countries, providing access to knowledge in relevant areas of sustainable development, especially capitalizing on the transition experience of the EU Member States;
38. Considers that the ongoing negotiations and debate must be structured so as to ensure that a clear commitment to democratic governance is reflected and pursued in the new development framework;
39. Underlines that climate change, the recent food price crisis and the global financial crisis can all be linked to the lack of adequate global governance; hence, stresses that global governance should be a key ingredient of the post-2015 development agenda;
40. Deplores the lack of coherence between institutions of global governance, in particular regarding the multilateral trade, finance and environmental architectures; considers that, while global governance deficits have led countries to seek regional solutions as a way to respond to region-specific development needs, such arrangements require coordination to avoid policy fragmentation and incoherence with multilateral regimes and international standards; more broadly, deems that action at the global level is required to supplement national efforts;
41. Notes that, although the format of the MDG framework enabled the setting of concrete and time-bound goals and targets that could be monitored by statistically robust indicators, there is a lack of ownership of these goals; in this context, warns against imposing a one-size-fits-all approach and believes that global goals and targets must be tailored and adapted to national and regional contexts and initial conditions;
42. Points out that authorities at all levels play a crucial role in a sustainable development agenda by taking part in policy debates, translating commitments into legislation, holding governments accountable for their social, environmental and judicial policies, and building on the ownership principle;
43. Urges the international community to pay special attention to creating an enabling and participatory environment within which civil society organisations (CSOs), the private sector, philanthropic foundations and other independent development partners, as well as national parliaments and local authorities at a local, national and regional level are able to assume their responsibilities for framing policies and monitoring their implementation and thus play a proper role in the post-2015 framework;
44. Urges, furthermore, that young people, especially girls and young women, should be enabled to play a key role in the post-2015 framework, recalling that youth participation in governance can have broad benefits, including fostering democratic decision-making structures and processes and improving the well-being of young people and their communities;



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*Human rights-based approach*

45. Calls for human rights principles to underpin the post-2015 framework, which must address, in particular, issues of inequality, harmful traditional practices, discrimination, gender-based violence, participation and the empowerment of marginalised and disadvantaged people in society, with special attention being paid to the rights of young people, women, migrants, people living with HIV, people suffering caste-based discrimination, LGBT-persons and persons with disabilities;
46. Calls, in this connection, for a stand-alone goal to address the persistent inequalities facing women and girls, fostering the necessary political will, resources and ownership to create sustainable and effective action;
47. Stresses that the post-2015 UN development agenda must respond to a human-rights based approach, which encompasses social and economic rights, while also including civil and political rights related to peace and security, as well as the right to development;
48. Recommends the creation of an overarching equality goal;
49. Encourages the EU to support developing countries in building up their political will and in increasing efforts to improve the level of ratification and implementation of legal human rights instruments to prohibit discrimination or any legal, policy, or regulatory barriers and punitive provision based on age, gender, race, ethnicity, caste, culture, religion, belief, marital status, disability, HIV status, national origin, migration status, language skills, sexual orientation, gender identity or other factors or status; also encourages the EU to support developing countries in introducing appropriate social protection floors;
50. Urges the ratification of the UN Convention on the Elimination of all Forms of Discrimination against Women by all countries in order to promote gender equality;

*Peace, security and development*

51. Stresses that armed conflict and post-conflict situations are some of the main obstacles to development and poverty reduction and threaten democracy; stresses equally that peace and security, development and human rights are interlinked and mutually reinforcing; therefore encourages the Union to use all relevant instruments such as the International Declaration of Human Rights or those provided in the framework of the Cotonou Agreement in order to strengthen conflict prevention;
52. Calls, in this connection, for the prioritisation of capacity building in conflict-affected and fragile states; takes the view that effective international partnerships, knowledge-sharing and capacity development methods based on the transition experience of EU Member States, building on the model of the New Deal for Engagement in Fragile States launched during the Fourth High-Level Forum on Aid Effectiveness in Busan, are necessary for the stabilisation and development of these states;
53. Calls on the EU to continue to be deeply engaged in fragile states, providing integrated responses linked to development policies, providing humanitarian relief and contributing to disaster risk reduction, conflict prevention and state building;
54. Considers that the post-2015 framework must reflect the peace building and state building (PBSB) goals agreed on in Busan;
55. Stresses that the prevention of violence and discrimination, especially sexual violence against girls and women, should be addressed in the post-2015 framework and that comprehensive protection systems accessible to all must be established or strengthened;

**IV. Sustainability**

56. Calls on the EU to contribute, in an inclusive and transparent manner, to strengthening coherence between SDGs in the social and environmental spheres and post-2015 development goals;

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57. Emphasises that the final result should be 'one development agenda', avoiding duplication of efforts and resources; underlines that, given the fact that environmental and development questions tend to be dealt with separately at global level, the EU should seek new ways to overcome this split and build bridges between these closely interlinked areas, including from an institutional point of view;

58. Emphasises that sustainability is an overriding challenge, where failure is likely to threaten all dimensions of human development; in particular, recognises the inseparable links between food, sustainable and secure access to energy, water, sustainable land use, efficient use of natural resources, the protection of marine and other ecosystems and biodiversity, deforestation and climate change mitigation, adaptation and disaster risk reduction, sustainable production and consumption, social inclusion and decent work in the anti-poverty framework;

59. Points out that universal access to safe drinking water and sanitation, as a horizontal basic social service to achieve all goals, and modern, reliable, affordable, climate-friendly and sustainable energy services for all is a key driver of poverty eradication and inclusive sustainable growth;

60. Underlines that energy security requires an implementation of strategies based on the diversification of sources, including solar energy, protection of ecosystems and natural resources, reduction of disaster risks, integrated water resource management, and improvement of markets, infrastructure and regulatory measures;

61. Also calls for concrete action in the promotion and development of healthy marine ecosystems, sustainable fisheries and sustainable aquaculture, which might have an important role in food security and nutrition and sustainable agriculture;

62. Stresses how important it is that the differentiation principle enshrined in the new development agenda is implemented properly; urges the emerging countries to assume their responsibility in redistributing revenue between their citizens through the state budget in order to close the poverty gap;

#### ***V. Towards an EU position on the post-2015 development framework***

##### *Financing the post-2015 MDGs*

63. Recalls the commitment made to allocate 0,7 % of gross national income to official development assistance (ODA) by 2015; stresses that this level has to be maintained in a future framework and calls on all Member States to introduce this through binding legislation and to adopt multiannual budget timetables in order to reach the target;

64. Emphasises the importance of having an EU budget that is capable of meeting the challenges facing it, especially in times of crisis and particularly in terms of financing for development; in this regard and in order for the EU budget to no longer be hostage to the single question of the level of payment appropriations, calls for the creation of own resources, such as a financial transaction tax, a share of which should go to Heading IV of the EU budget;

65. Insists that funding to fight and adapt to the effects of climate change be genuinely additional to existing commitments; calls on the EU, therefore, to propose that financing sources other than ODA be made available for climate finance, allowing post-2015 discussions to clarify the roles of ODA and adaptation finance in sustainable poverty eradication;

66. Calls on the Commission to boost discussions with all stakeholders on financing mechanisms in order to fulfil financial needs in a post-2015 development landscape;

67. Recalls that, during the 2012 UN Development Cooperation Forum, the need for greater coordination rather than competition between different aid mechanisms and donors, was clearly highlighted; calls on the EU to promote an aid effectiveness agenda as the EU and its Member States have a joint responsibility to reduce aid fragmentation;

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*Innovative financing mechanisms*

68. Calls on the Commission to continue to work together with other donors at global level on developing further innovative financial mechanisms for development as those, together with new partnerships, will play a crucial role in a new development landscape, complementing other sources and compromises on financing for sustainable development; reminds EU Member States that have agreed to establish the financial transaction tax to devote part of those funds to sustainable development and the fight against climate change;

69. Points out that the EU should promote an integrated and complementary approach to financing, including through public-private partnerships;

70. Calls on the EU to encourage social, ethical and environmentally-friendly public procurement at the international level as a tool for implementation of the post-2015 framework;

71. Calls on the EU to properly evaluate the mechanism of blending loans and grants — particularly in terms of development and financial additionality, transparency and accountability, local ownership and debt risk — before continuing to develop blending loans and grants to boost financial resources for development and to promote microcredit; calls on the Commission to publish guidelines and precise criteria that are based on harmonised poverty reduction strategies and that have a clear sustainable development impact when these new arrangements are implemented;

*Strengthening domestic revenue through effective taxation and the fight against corruption*

72. Reiterates its call to make combating corruption, money laundering, tax havens, illicit flows of capital and harmful tax structures an overriding priority of the EU's agenda in international finance and development institutions so as to enable developing countries to raise domestic revenues;

73. Stresses the urgent need for increased domestic resource mobilisation and therefore calls on the EU and the international community to increase their support to developing countries when it comes to establishing effective fiscal policy and a sustainable tax base, as well as strengthening the capacity, skills and qualifications of their administrations with a view to tackling illicit financial flows, tax avoidance, tax evasion and fraud and improving the collection of taxes;

74. Recalls that the quality of financial reporting is crucial to combat tax evasion effectively; hence, underlines the importance of full transparency in corporate reporting of profits and taxes paid, especially by — but not limited to — companies involved in the exploitation of natural resources; therefore asks the Commission to promote the inclusion of a requirement within the International Financial Reporting Standard of the International Accounting Standards Board that multinational corporations report their income and tax paid on a country-by-country basis; recalls that this request is consistent with the need to improve the corporate social responsibility of multinational enterprises;

*Monitoring mechanisms and indicators*

75. Stresses the urgent need to move to an appropriate mix of quantitative and qualitative measurements for development;

76. Points out that a new set of indicators other than GDP is necessary in order to achieve prosperity and development and overcome new social and environmental challenges, and should therefore include indicators such as the human development index, the poverty headcount ratio, the poverty gap index, and the Income Gini coefficient;

77. Points out that clear and measurable indicators, including outputs and outcomes, are crucial for monitoring and reporting on progress achieved in respect of areas such as poverty eradication and economic and social development, and should include gender equality, employment, social protection (e.g. access to health care and pensions, protection against the risks of unemployment, and protection against the special livelihood deprivation of women, children and the elderly), disability, migration and minority status;

78. Calls on the EU to develop relevant baselines, indicators and targets for measuring the impact of PCDD;

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*Private sector*

79. Stresses the need to implement the UN Guiding Principles on Business and Human Rights; against this background, calls on all countries to establish a genuine business regulatory framework, promotion of full and productive employment and decent work, respect for human rights, including ILO standards, transparency and social and environmental standards;

80. Considers that the principal aim of support to the private sector should be to lift people in developing countries out of poverty and help strengthen the private sector in developing countries, given that failure to do so would result in unbalanced development and growth;

81. Urges EU-based companies with production facilities in developing countries to comply with their obligations to respect human rights and freedoms, social and environmental standards, gender equality, core labour standards, international agreements and payment of taxes in a transparent manner;

82. Points out the importance of protecting private property in order to enhance an investment environment and the rule of law;

83. Stresses that, although the private sector plays a crucial role in the economy, it is the main responsibility of the state to provide basic quality services to its citizens, and therefore contribute to fighting poverty;

84. Stresses that those in the public and private sectors must find new ways to combine their interests, capacities and efforts in order to contribute to the attainment of the post-2015 agenda;

85. Underlines that economic growth and development should be sustainable, inclusive and contribute to strengthening production capacities, decent job creation and social inclusion for all in order to enable developing countries to transform their economies; calls for the establishment of nationally-defined social protection floors in developing countries and for an end to all forms of child labour;

86. Points out that Fair Trade is a trading partnership based on dialogue, transparency and respect that seeks greater equity in international trade<sup>(1)</sup>; takes the view that Fair Trade is an example of a successful partnership, involving many stakeholders around the world and at different stages along a supply chain, that ensures market access for disadvantaged producers, guarantees sustainable livelihoods, respects labour standards, phases out child labour and encourages environmentally sustainable farming and production practices;

*Policy Coherence for Development (PCD) and coordination among donors*

87. Calls on the EU, whilst ensuring that PCD is firmly incorporated into the post-2015 framework, to continue to pay particular attention to the following priority areas: trade and finance, health and education, climate change, natural resources, agriculture, fisheries, health care, nutrition and food security, migration, energy, peace and security policies, and human rights;

88. Points out that trade can be a fundamental driver of poverty reduction, leading to greater equity and transparency and promoting sustainable human development and economic growth; urges the EU, in this respect, to ensure that its trade policy is coherent with the EU's development goals;

89. Takes the view that, while the MDGs have certainly been a success in shining a brighter spotlight on development aid, a mere focus on aid is too narrow; considers that a new approach is needed that embraces global governance, with a strong focus on policy coherence for development and the provision of global public goods;

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<sup>(1)</sup> As defined in the Charter of Fair Trade Principles by the World Fair Trade Organisation.

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90. Believes that a post-2015 agenda for development needs to identify essential global public goods, set how they are financed and specify which global institutions can be held accountable for their provision;
91. Takes the view that PCD should move beyond a 'do no harm' perspective, both in Europe and beyond, towards a more integrated approach where international trade, the environment and international financial architecture are understood as global public policies that help to enhance global development objectives; supports, in this context, the idea of establishing a Global Economic Council in the context of the United Nations System;
92. Points out that PCD can only achieve real and effective results by means of a collective effort and the active involvement of developed and developing countries, emerging economies and international organisations;
93. Stresses that the future development framework should contain a reference to aid and the concept of 'development effectiveness'; in particular, takes the view that turning 'aid effectiveness' into a 'development effectiveness' agenda implies a combination of development aid, assistance for the provision of global public goods and adaptation of existing global governance structures in order to increase their capacity to respond to global challenges;
94. Urges the EU to act as a driving force, ensuring complementarity and division of labour within the development process in an inclusive and transparent manner, including through an increased use of joint programming;

*Comprehensive guidance towards a post-2015 development framework*

95. Welcomes the ambitious and engaging Commission communication of 27 February 2013 entitled 'A decent life for all';
96. Stresses that the following principles should be taken into consideration in defining a coherent EU position with a view to the negotiation of a new development framework:
- (a) the architecture of the post-2015 development agenda should reflect new global, regional, national and local realities and challenges;
  - (b) the definition of the future agenda must be guided by the full participation and ownership of the developing and middle-income countries, while the new responsibilities and burdens generated need to be equally but justly shared between all countries;
  - (c) the future agenda should be ambitious, universal, global in nature, multidimensional and flexible, with targets tailored to each country which are simple, concise, action-oriented, easy to communicate, and adapted to local, national and regional contexts with a limited number of concrete targets and measurable goals;
  - (d) it is essential to respect the principles of mutual responsibility, accountability, transparency, democracy, human rights, ownership, good governance, the rule of law, peace and security, equity and justice, and gender equality and ensure that they are mainstreamed in the future agenda;
  - (e) the success of future goals is determined by the ability of all developing countries to fulfil their responsibility for the well-being of their citizens, lift the most vulnerable people out of poverty, fight inequality and at the same time uphold human rights principles;
  - (f) particular attention should be devoted to accelerating gender equality and the empowerment of girls and women at all levels of society;
  - (g) points out that the new framework should bring together the economic, social and environmental dimensions of sustainable development;
  - (h) it is indispensable to mobilise all possible financial resources and innovative financing mechanisms for development, paying particular attention to:
    - (i) the fight against corruption, tax havens, tax evasion and avoidance and illicit capital flows;
    - (ii) the responsibilities of emerging economies in the development agenda, also encouraging south-south and triangular cooperation;

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- (iii) the improvement of monitoring mechanisms;
- (iv) ODA; and
- (v) PCD;
- (i) ensure that the new framework will also include partners beyond the national government level to deliver an enabling environment to support real democratic ownership and a civil society;
- (j) PCD will be absolutely crucial for the success of a future framework, taking into account the shifting nature of poverty and the impact of domestic policies in the global context;
- (k) clear accountability mechanisms are needed in order to make sure countries fulfil their commitments and tackle effectively the poverty and sustainability challenges that the post-2015 framework will address;

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97. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the Secretary-General of the United Nations.

P7\_TA(2013)0284

## Rule of law in Russia

### European Parliament resolution of 13 June 2013 on the rule of law in Russia (2013/2667(RSP))

(2016/C 065/20)

*The European Parliament,*

- having regard to its previous resolutions on Russia, in particular those of 17 February 2011 on the rule of law in Russia <sup>(1)</sup>, of 13 September 2012 on the political use of justice in Russia <sup>(2)</sup> and of 13 December 2012 containing Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the new EU-Russia Agreement <sup>(3)</sup>,
- having regard to the existing Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part (PCA) and to the ongoing negotiations for a new EU-Russia agreement,
- having regard to the 'Partnership for Modernisation' initiated in 2010 in Rostov-on-Don and to the commitment made by the Russian leadership to the rule of law as a fundamental basis for the modernisation of Russia,
- having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and the federal law,
- having regard to the EU Annual Report on Human Rights and Democracy in the World,
- having regard to the results of the EU-Russia Summit of 3–4 June 2013 and the human rights consultations of 19 May 2013,

<sup>(1)</sup> OJ C 188 E, 28.6.2012, p. 37.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0352.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0505.

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- having regard to the statements made by the High Representative of the Union for Foreign Affairs and Security Policy on the GOLOS association, on the situation of NGOs in the Russian Federation and on the Magnitsky case,
  - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,
  - having regard to its award of the 2009 Sakharov Prize for the Freedom of Thought to Memorial, a Russian non-governmental organisation campaigning, inter alia, for the rights of political prisoners in Russia, and having regard to the growing support in the European Parliament for 'Memorial' as a candidate for the Nobel Peace Prize,
  - having regard to the opinions of the Venice Commission on Russian Federal Law No 65 of 8 June 2012 on assemblies, meetings, demonstrations, marches and picketing and the code of administrative offences, on the Russian Federal Law on combating extremist activities and on the Russian Federal Law on the Federal Security Service (FSB),
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedures,
- A. whereas the European Union remains committed to further deepening and developing relations between the EU and Russia in accordance with the principles enshrined in the Partnership for Modernisation, based on a deep mutual commitment to democratic principles, respect for fundamental and human rights, the rule of law, freedom of speech, freedom of expression, freedom of assembly, respect for human dignity and equality;
- B. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE) and a signatory to the UN declarations, Russia has committed itself to the protection and promotion of human rights, fundamental freedoms and the rule of law;
- C. whereas there remains serious concern about developments in the Russian Federation with regard to respect for and the protection of human rights and respect for commonly agreed democratic principles, rules and procedures;
- D. whereas freedom of the press and media, both online and offline, is a crucial aspect of a democratic and open society, as well as being fundamental in countering corruption and safeguarding human rights and the rule of law; whereas the independent press, as a collective manifestation of free expression, is one of the key actors in the media landscape, acting as a watchdog of democracy;
- E. whereas several trials and judicial proceedings over the last few years, such as the Magnitsky, Khodorkovsky and Politkovskaya cases, have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation; whereas the high profile cases cited above are merely just the most well-known cases outside Russia of what amounts to a systematic failure of the Russian state to uphold the rule of law and to deliver justice to its citizens;
- F. whereas a prominent lawyer, anti-corruption campaigner and social activist, Alexei Navalny, is currently on trial in Russia on charges which, he claims, represent a politically motivated attempt to punish him as one of the most prominent opponents of the government; whereas Navalny has consistently exposed massive corruption within the highest levels of the Russian state apparatus;
- G. whereas prosecutors continue to pursue opposition activists who participated in the 'March of Millions' on 6 May 2012, the day before President Putin's inauguration; whereas, according to reliable independent reports, the demonstration was forcibly disrupted at Bolotnaya Square by riot police, who subjected participants to disproportionate force and arbitrary violence; whereas reports by the Presidential Human Rights Council, the Human Rights Ombudsman and an independent investigative commission comprising senior public figures blamed both the Russian authorities and police for the violence;

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- H. whereas the adoption of laws over the last few months on the registration of political parties, NGO financing, the right of assembly, extremism, defamation and internet filtering restrictions has significantly contributed to a deterioration in the climate as regards the development of a genuine civil society in Russia;
- I. whereas the Russian Parliament adopted a bill in July 2012 granting the ‘foreign agent’ status to Russian non-commercial organisations engaged in political activities and financed from abroad; whereas in the last year the laws on NGOs and on the right to freedom of assembly have been used to suppress civil society, stifle opposing political views and harass NGOs, the democratic opposition and the media;
- J. whereas the federal authorities have done nothing to stop discriminatory legislation banning ‘homosexual propaganda’ from coming into effect in nine regions of Russia; whereas the Duma recently adopted a similar law at national level;
- K. whereas members of the Presidential Human Rights Council have complained of harassment, intimidation, interrogations, searches of their offices and property and other measures carried out by Russian law enforcement agents;
- L. whereas the further development of EU-Russia relations continues to be held back by Russia’s failure Russia to fully embrace democratic values and strengthen the rule of law;
1. Reminds Russia of the importance of full compliance with its international legal obligations, as a member of the Council of Europe, and with the fundamental human rights and the rule of law enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR);
  2. Expresses its serious concerns about the recent repressive laws and their arbitrary enforcement by the Russian authorities, often leading to harassment of NGOs, civil society activists, human rights defenders and minorities;
  3. Is deeply worried by Russia’s failure to observe its international legal obligations to protect freedom of association, expression and assembly, which is posing a threat to both the viability of Russia’s vibrant civil society and its cooperation with the EU;
  4. Reaffirms its disappointment with the bill granting ‘foreign agent’ status to Russian non-commercial organisations engaged in political activities and financed from abroad; urges the Russian authorities to stop registering NGOs as ‘foreign agents’ on the basis of a law which extended state control over NGOs, using the vague definition of political activities included in this law, stigmatising NGOs and creating an atmosphere that is hostile to civil society;
  5. Considers that the widespread, targeted and intrusive inspections, confiscation of property and administrative fines imposed on Russian NGOs and their activists allegedly receiving foreign funding are inadmissible and interfere with the right to freedom of association; criticises furthermore the raid and pressure applied upon international political foundations; considers it deeply regrettable that a few NGOs are already facing trial, like Memorial, in St Petersburg, or have already been sentenced, like GOLOS and the Levada Centre; is concerned by the investigations launched against international non-governmental organisations seeking to build democracy in Russia, including international institutes;
  6. Urges the Russian authorities to address these concerns by bringing the above-mentioned laws into line with international standards and Russia’s international and constitutional human rights commitments, including its own Constitution, in particular by removing undue legal, administrative and other restrictions on the operation of NGOs;
  7. Urges the Vice-President/High Representative, the EEAS and the Commission to take into account, during the current negotiations on the next multiannual financial framework and during the programming phase, the deteriorating situation for civil society, the forced withdrawal of other international donors and the increasing requests for EU support, and to provide for a significant increase in the Union’s financial support to NGOs and civil society accordingly;



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8. Is deeply concerned at the negative consequences of the adoption of a federal law on 'homosexual propaganda', which could increase discrimination and violence against LGBTI individuals;
9. Calls on the Russian authorities to guarantee political pluralism, media freedom, the rule of law, the independence and impartiality of the judiciary, freedom of speech and assembly, including on the internet, effective and independent trade unions, and non-discrimination, as a necessary precondition for Russia's further development and modernisation in such a way as to recognise and protect the individual and collective rights of all its citizens; recalls that, under international law, states have an obligation to support, directly or indirectly, the funding of civil society activities, in particular by creating a favourable environment, without interfering in their independence;
10. Expresses deep concern at reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassment and other acts of violence, as evidenced in the Magnitsky, Khodorkovsky, Politkovskaya and other cases; urges the Russian judicial and law enforcement authorities to carry out their duties in an effective, impartial and independent manner in order to bring perpetrators to justice;
11. Recalls its recommendation on common visa restrictions for Russian officials involved in the Sergei Magnitsky case and asks the Council and the Commission to implement an EU-wide visa ban and to freeze the financial assets in the EU of all officials involved in the death of Magnitsky, which is being prosecuted posthumously, and of other serious human rights violators in Russia; stresses that those individuals must not benefit from any EU-Russia visa facilitation agreement;
12. Urges the Member States to facilitate and positively assess visa requests from persecuted Russian political activists;
13. Welcomes the recent re-opening of proceedings in the case of the murder of Anna Politkovskaya, more than six years after she was shot, but shares the concern that the question of who ordered the murder is unlikely to emerge from the case;
14. Expresses its deepest concern at the case of Alexei Navalny and deplores the allegedly politically motivated nature of his prosecution; urges the Russian authorities to ensure that he is accorded his full rights and that his trial meets internationally accepted standards of due process; calls, in this connection, on the EU Delegation and Member States' Missions in Russia to monitor the trials of all human rights defenders, including that of Navalny and others, in particular at regional level;
15. Urges Russia, with regard to the 'March of Millions', to commission an independent inquiry into the Bolotnaya Square violence and, in particular, to investigate allegations of excessive use of force against demonstrators; expresses concern at the allegedly politically motivated nature of the prosecutions linked to the Bolotnaya Square violence;
16. Urges the Russian authorities to ensure freedom of the press and media, both online and offline, to foster a pluralist media landscape, to allow media platforms, journalists and bloggers to fulfil their key role in Russian society independently, to safeguard the free flow of information and to ensure freedom of expression; stresses the importance of freedom of information laws, which are essential for journalists and civil society to do their work as watchdogs;
17. Calls on Russia to cooperate fully with the special procedures of the United Nations Human Rights Council, including by issuing a standing invitation for country visits and responding positively to pending requests for access by the UN Special Rapporteurs on the protection of human rights defenders, on freedom of association and assembly, and on freedom of expression to Russia; calls on Russia also to accept recommendations, made in the context of the Universal Periodic Review of Russia at the Human Rights Council, to repeal or revise legislation affecting the work of NGOs and to stop obstructing human rights work;

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18. Calls on the Council to adopt the EU Foreign Affairs Council's conclusions on human rights in Russia, which would serve to provide critical support to all those in Russia working to protect human rights and also to bind the 27 EU Member States and EU institutions to a common message and approach with regards to human rights in Russia;

19. Urges Russia to take all possible measures to ensure that all members of the Presidential Human Rights Council, and more generally all those working to defend human rights in Russia, are afforded protection from harassment and intimidation;

20. Encourages the Presidents of the Council and Commission, as well as the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, to continue to closely follow these cases, to raise these issues in different formats and meetings with Russia and to report back to Parliament on their exchanges with the Russian authorities;

21. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the President, Government and Parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.

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P7\_TA(2013)0285

### **Azerbaijan: Case of Ilgar Mammadov**

**European Parliament resolution of 13 June 2013 on Azerbaijan: the case of Ilgar Mammadov (2013/2668(RSP))**

(2016/C 065/21)

*The European Parliament,*

- having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights and the rule of law,
- having regard to the joint statement of 9 February 2013 by Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton and Commissioner Štefan Füle on the arrests of Tofiq Yaqublu, newspaper columnist and deputy chair of the Musavat opposition party, and Ilgar Mammadov, leader and presidential candidate of the Republican Alternative (REAL) party,
- having regard to the joint statement of 7 June 2013 by the respective spokespersons of Catherine Ashton and Commissioner Füle on curbs on freedom of expression in Azerbaijan,
- having regard to the statement of 3 May 2013 by the Secretary-General of the Council of Europe, Thorbjørn Jagland, concerning new charges brought against Mr Mammadov,
- having regard to the statement of 18 March 2013 by the Congress of Local and Regional Authorities of the Council of Europe,
- having regard to the joint statement issued by 52 Azerbaijani civil society organisations requesting the release of Mr Mammadov and Mr Yaqublu,
- having regard to the established relationship between the EU and Azerbaijan, which took effect in 1999, as represented by the implementation of the European Neighbourhood Policy (ENP) Action Plan, the creation of the Eastern Partnership (EaP), the negotiations on an EU-Azerbaijan association agreement and Azerbaijan's participation in the Euronest Parliamentary Assembly,
- having regard to the ongoing negotiations between the EU and Azerbaijan on an association agreement,

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- having regard to its resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy <sup>(1)</sup>,
  - having regard to the 2012 ENP country progress report on Azerbaijan, dated 20 March 2013,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas Mr Mammadov, leader of the opposition REAL movement and director of the Council of Europe's Baku School of Political Studies, and Mr Yaqublu, deputy chair of the Musavat opposition party, were arrested by Azerbaijani authorities on 4 February 2013 and have been unlawfully detained since then; whereas Mr Mammadov is accused of inciting riots in the town of Ismaili after he visited the town;
- B. whereas his initial pre-trial detention has been extended twice in an apparent attempt to keep him behind bars pending the forthcoming elections; whereas according to recent reports Ilgar Mammadov has been placed in a punishment cell, raising concerns that he is being singled out;
- C. whereas the overall human rights situation in Azerbaijan has deteriorated continuously over the last few years despite the adoption of the ENP Action Plan, with growing pressure on, and intimidation of, NGOs and independent media, engendering a widespread sense of fear among opposition forces, human rights defenders and youth and social network activists and leading to self-censorship among journalists;
- D. whereas before his arrest Mr Mammadov had been confirmed as the REAL opposition party's candidate for the Azerbaijani presidential elections scheduled for October 2013;
- E. whereas human rights defenders and civil society representatives consider Mr Mammadov's arrest to be illegal and politically motivated, and an attempt to intimidate the opposition;
- F. whereas the Commission, the Parliamentary Assembly of the Council of Europe and Member State governments have expressed grave concern about this case;
- G. whereas the EU has expressed its grave concerns about the use of selective justice for political purposes;
- H. whereas the Council of Europe representative in Baku was not admitted to the initial court hearing in February 2013 and whereas, in addition, a group of Council of Europe ambassadors who recently visited Azerbaijan were not allowed to see Mr Mammadov;
- I. whereas freedom of the press and media, both online and offline, is a crucial aspect of a democratic and open society, as well as being fundamental in safeguarding human rights and the rule of law;
- J. whereas journalists, bloggers, activists and other independent thinkers continue to experience serious limitations on their freedom of expression in Azerbaijan, facing prosecution on bogus charges, harassment, intimidation and physical attacks;
- K. whereas demonstrations have effectively been banned in central Baku since 2006, and whereas harsh new fines and longer periods of administrative detention for those who organise or participate in unauthorised public gatherings were recently introduced;
- L. whereas Azerbaijani authorities recently requested the downgrading of the mission of the Organisation for Security and Cooperation in Europe (OSCE) in Baku to the status of a 'project coordination office', which is seen as an attempt to limit the OSCE's anticipated criticism of the presidential elections scheduled for October 2013;
- M. whereas, contrary to the commitments made, Azerbaijan's parliament, the Milli Mejlis, has adopted amendments to the Criminal Code that provide for up to three years' imprisonment for defamation posted online, an act that constitutes a further hindrance to the necessary conditions for independent and non-biased media in Azerbaijan;

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<sup>(1)</sup> Texts adopted, P7\_TA(2012)0470.

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- N. whereas Azerbaijan is currently engaged in consultations with the Council of Europe's Venice Commission on the reform of the country's defamation legislation, which must be carried out in order to execute two judgments of the European Court of Human Rights against Azerbaijan; whereas, however, the Azerbaijani parliament has adopted new amendments aimed at facilitating the application of defamation provisions to online expression;
- O. whereas Azerbaijan is a member of the Council of Europe and will take over its rotating chairmanship in 2014, as well as being a party to the European Convention on Human Rights;
- P. whereas Azerbaijan is actively participating in the ENP and the EaP, is engaged in the negotiations on an association agreement and the furthering of cooperation initiatives grounded in the EaP framework, is a founding member of Euronest and is committed to respecting democracy, human rights and the rule of law, which are core values of these initiatives;
- Q. whereas Azerbaijan has adopted new laws widening the definition of criminal libel, tightening regulations governing the funding of non-governmental organisations (NGOs) and introducing much severer penalties for offences relating to public assemblies;
- R. whereas Azerbaijan has taken up a non-permanent seat in the United Nations Security Council (UNSC) for the 2012-2013 period, and has committed itself to upholding the values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights;
- S. whereas 2013 is an important election year for Azerbaijan, which has committed itself to improving the general environment for democratic elections;
1. Stresses that full respect for human rights, fundamental freedoms and the rule of law is at the heart of the framework for cooperation within the EaP, and of the commitments made by Azerbaijan within the Council of Europe and the OSCE;
  2. Strongly condemns the detention of Mr Mammadov, calls for his immediate and unconditional release and an end to his prosecution, and urges the Azerbaijani authorities to investigate the charges against him in a speedy, fair, transparent and independent manner;
  3. Calls for the EU to assist and further support the Republic of Azerbaijan in its efforts to consolidate democracy and the rule of law and to reform the judiciary and law enforcement systems, with a special focus on protecting human rights;
  4. Expresses serious concern over reports by human rights defenders and domestic and international NGOs about the alleged use of fabricated charges against politicians, activists and journalists;
  5. Condemns any intimidation, arrest, detention or prosecution of opposition party leaders or members, activists, journalists or bloggers solely because they have expressed their views and exercised their fundamental rights and freedoms in accordance with international standards;
  6. Calls on the Azerbaijani authorities unequivocally to respect freedom of the press and media, both online and offline, and to secure freedom of expression;
  7. Calls on the Azerbaijani authorities to reform the country's defamation legislation so that defamation is dealt with by means of proportionate fines rather than imprisonment;
  8. Calls on the Azerbaijani authorities fully to respect the freedom of assembly of the Azerbaijani population;

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9. Supports the ongoing negotiations on an EU-Azerbaijan association agreement and reaffirms its position that such an agreement must include clauses and benchmarks relating to the protection and promotion of human rights, especially with regard to freedom of the media, freedom of expression, freedom of association and freedom of assembly, which reflect the principles and rights enshrined in the Azerbaijani constitution and the commitments made by Azerbaijan within the Council of Europe and the OSCE;
10. Calls on the Azerbaijani authorities to bring the legislation on elections, freedom of assembly, freedom of association and media freedom into line with international standards and to ensure its full implementation;
11. Calls on the European External Action Service (EEAS) strictly to apply the 'more for more' principle, with a specific focus on inclusive, free and fair elections, the independence of the judiciary, democratic reforms and fundamental rights and freedoms, and clearly to lay down the consequences of lagging behind in relation to reforms;
12. Urges the Azerbaijani authorities to step up their efforts to reform all aspects of the judicial system: prosecution, trial, sentencing, detention and appeals;
13. Calls on Commission President José Manuel Barroso to speak out on the EU's human rights concerns vis-à-vis Azerbaijan, as outlined in the last ENP progress report, during President Ilham Aliyev's planned visit to Brussels;
14. Supports the work of the EEAS and calls on the EU Delegation in Baku to continue to pay close attention to human rights concerns during the forthcoming election cycle, showing support for human rights defenders by attending events organised by civil society and speaking out on their behalf, closely monitoring court trials and supporting media freedom, inter alia by demanding the viable transmission of independent radio and television channels during the election campaign;
15. Urges the Azerbaijani authorities to grant the Azerbaijan Human Rights House unconditional authorisation to reopen, and to register the Election Monitoring and Democracy Studies Centre and the Human Rights Club without further delays or administrative burdens;
16. Calls on the Azerbaijani authorities to comply with all rulings of the European Court of Human Rights concerning Azerbaijan;
17. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Governments and Parliament of the Republic of Azerbaijan, the Council of Europe, the OSCE and the UN Human Rights Council.

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P7\_TA(2013)0286

## **Situation of Rohingya Muslims**

### **European Parliament resolution of 13 June 2013 on the situation of Rohingya Muslims (2013/2669(RSP))**

(2016/C 065/22)

*The European Parliament,*

— having regard to its previous resolutions on Burma/Myanmar, in particular those of 20 April 2012 <sup>(1)</sup>, 13 September 2012 <sup>(2)</sup> and 22 November 2012 <sup>(3)</sup>,

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<sup>(1)</sup> Texts adopted, P7\_TA(2012)0142.

<sup>(2)</sup> Texts adopted, P7\_TA(2012)0355.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0464.

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- having regard to its resolution of 23 May 2013 on reinstatement of Myanmar/Burma's access to generalised tariff preferences <sup>(1)</sup>,
- having regard to the EU Foreign Affairs Council conclusions of 22 April 2013 on Myanmar/Burma,
- having regard to the statement by High Representative Catherine Ashton of 27 November 2012 on the 2012 United Nations General Assembly (UNGA) resolution on the situation of human rights in Myanmar,
- having regard to the statement by the spokesperson of High Representative Catherine Ashton of 1 June 2013 on the agreement concluded between the Government of Myanmar/Burma and the Kachin Independence Organisation,
- having regard to the statement of EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, of 9 August 2012 on the situation of Rohingya Muslims,
- having regard to the final report of the Delegation of its Subcommittee on Human Rights to Burma/Myanmar from 3 to 5 April 2013,
- having regard to the European Union's set of restrictive measures, as set out in Council Decision 2010/232/CFSP of 26 April 2010 and as most recently amended by Council Regulation (EU) No 1083/2011 of 27 October 2011,
- having regard to the statement by the spokesperson of High Representative Catherine Ashton of 23 March 2013 on the violent clashes in the town of Meiktila in Burma/Myanmar,
- having regard to the statement by the spokesperson of the High Representative Catherine Ashton of 2 April 2013 on the reported death of 13 children caused by a fire in a Muslim school in Burma,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
- having regard to UNGA Resolution 67/233 of 24 December 2012 on the situation of human rights in Myanmar,
- having regard to the UNHCR call of 13 November 2012 upon governments in Southeast Asia to keep their borders open to people fleeing Burma by sea,
- having regard to the report of the United Nations Special Rapporteur of 6 March 2013 on the situation of human rights in Burma/Myanmar, as well as his statement of 11 June 2013 that 'the human rights violations being committed against Rohingya in Rakhine State are widespread and systematic',
- having regard to the statement by Aun San Suu Kyi of 27 May 2013 about the 'two-child policy' for Rohingya Muslims,
- having regard to the decision taken at the ASEAN summit in November 2011 to confer the ASEAN presidency on Burma/Myanmar in 2014,
- having regard to the Human Rights Watch report "All You Can Do is Pray": Crimes Against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Rakhine State' of 22 April 2013,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0218.

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- A. whereas the persecution of, and violence against, the Rohingya minority continue to intensify, most notably through the destruction of property and places of worship, mass arrests, arbitrary imprisonment, torture, rape, and restrictions on freedom of movement, marriage rights and access to education;
- B. whereas the religious violence that started in Rakhine State has continued to spread throughout the country; whereas in the period between March and May 2013 several anti-Muslim attacks were reported in Rangoon Division, Mandalay and Pegu, as well as in Kachin and Shan states, resulting in 46 deaths and the displacement of over 14 000 people;
- C. whereas sectarian violence has now spread to a new area in Burma, as shops in the Shan State town of Lashio were burned by a mob on 28 May 2013 and three Rohingya women were killed by police in the village of Parein during a clash over housing for the displaced minority on 4 June 2013;
- D. whereas over 130 000 displaced Rohingyas remain in camps and other areas, and the Government of Burma/Myanmar has allowed only limited and inadequate humanitarian access to Rohingya populations at risk; whereas many Rohingyas are confined to flood-prone areas where they are exposed to monsoon rains and cyclones; whereas they are unable to return to their homes because of continued violence or because their homes have been destroyed or they are prevented by security forces from leaving the camps where they are being held;
- E. whereas tens of thousands of Rohingyas have fled by sea to escape persecution, and whereas hundreds have lost their lives in sinking boats or by being pushed back into the sea; whereas close to 1 700 Rohingyas fleeing Burma are reported to be held in horrendous conditions in Thai immigration detention centres;
- F. whereas on 23 April 2013 the Independent Commission of Inquiry, set up in August 2012 in order to investigate sectarian violence in Rakhine state, issued a report with recommendations intended to ease tensions, but has nevertheless refused to acknowledge Rohingya identity, failed to hold anyone accountable for human rights abuses committed during the unrest, favoured a 'temporary separation' of the Muslim and Buddhist communities, and recommended the implementation of unacceptable birth-control programmes for Muslims;
- G. whereas although Burmese President U Thein Sein pledged in a speech on 6 May 2013 that his government would ensure the basic rights of Muslims in Rakhine state, and although he has taken some steps to expand civil liberties in the country, the dramatic situation of the Rohingyas, and of inter-ethnic relations overall, has the potential to undermine the entire reform process in Burma/Myanmar; whereas credible independent reports point to the complicity of the Burmese authorities in crimes against humanity targeting the Rohingya population that have resulted in Rakhine state largely being segregated along religious lines;
- H. whereas the Government of Burma/Myanmar has recently announced that it will reinstate a two-child policy; whereas this has been condemned by the UN Special Rapporteur on Human Rights in Burma/Myanmar, Tomás Ojea Quintana, as a discriminatory and coercive measure against Rohingyas in Rakhine state that violates the basic human rights of the Rohingya, as well as Burma's international human rights obligations and commitments;
- I. whereas the international community has urged the Burmese Government to review its 1982 Citizenship Law to ensure that the Rohingya are no longer stateless and that the roots of longstanding discrimination against the Rohingya population are dealt with;
- J. whereas Dr Tun Aung, a 65-year-old medical doctor and respected community leader from Rakhine state, was arrested in June 2012 and sentenced to 17 years in prison on what have widely been denounced by human rights groups, including Amnesty International, as politically motivated charges;
- K. whereas according to the Human Rights Watch report "All You Can Do is Pray": Crimes against Humanity and Ethnic Cleansing of Rohingya Muslims in Burma's Rakhine State, released on 22 April 2013, the abuses perpetrated against the Rohingyas last year, which allegedly involved state agencies, amounted to crimes against humanity and ethnic cleansing; whereas this report also presents evidence of four mass-grave sites dating from 2012 in Rakhine state;

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- L. whereas freedom of the press and media, both online and offline, plays a crucial role in uncovering and documenting human rights abuses and holding governments accountable;
- M. whereas under the Universal Declaration of Human Rights, everyone has the right to seek asylum from persecution;
1. Condemns the grave violations of human rights and the violence perpetrated against Rohingya Muslims in Burma/Myanmar and calls on all sides to refrain from the use of violence;
  2. Expresses its condolences to the victims of violence and unlawful persecution in Burma/Myanmar;
  3. Recognises the steps taken by President U Thein Sein and other reformers in Burma/Myanmar to introduce democratic reforms over the past year; deplores, however, the failure of the government to protect the Rohingya from organised violence, and calls on the government and all of Burmese/Myanmar society to act immediately to end the human rights abuses and bring the perpetrators of the violent attacks and other related abuses to justice;
  4. Urges the Government of Burma/Myanmar to ensure that its security forces do everything in their power to protect Rohingya Muslims from violent actions; expresses its deep concerns over allegations that members of Burmese security forces have participated in the violence, and repeats its urgent calls for a full and independent investigation, with the help of the United Nations, into these allegations;
  5. Stresses the need for urgent action to deal with the humanitarian risks facing all displaced persons, and in particular the Rohingya people, in Burma/Myanmar; reiterates its call on the Government of Burma/Myanmar to provide UN agencies and humanitarian NGOs, as well as journalists and diplomats, with unhindered access to all areas of the country, including Rakhine state, and to give unrestricted and full access to humanitarian aid for all communities affected by conflict and sectarian violence; calls on the Burmese authorities to improve conditions in the Rohingya displacement camps as a matter of urgency;
  6. Urges all countries in the region to uphold their international obligations as regards the rights of refugees, to open borders to Rohingya asylum seekers and to provide them at least with temporary protection, whilst supporting the Burmese Government in finding long-term, equitable solutions to the underlying causes;
  7. Calls on the Government of Thailand to end immediately the inhumane detention of at least 1 700 Rohingya asylum seekers and to provide them with access to UN refugee agencies; regrets the fact that the Government of Thailand has so far failed to permit the UNHCR to conduct refugee status determination screenings of Rohingya asylum seekers;
  8. Urges the Burmese Government to authorise the establishment of an OHCHR office in the country, with branch offices in the provinces, in order to allow for adequate monitoring of the human rights situation in the country;
  9. Welcomes the promise of President U Thein Sein that all perpetrators of violence will be prosecuted, as well as his commitment to a multicultural, multi-ethnic and multi-faith society; calls on the President to take further action to enforce the rule of law and to address the root causes of violence;
  10. Welcomes the announcement by President U Thein Sein on 4 June 2013 that all political prisoners in Burma/Myanmar will be released; reiterates its position that the release of all political prisoners, including Dr Tun Aung, should take place without delay or conditions and with the full restoration of their rights and freedoms;
  11. Urges the government to continue to pursue and implement durable solutions to the underlying causes of the tensions, including measures addressing the status of the Rohingya; reiterates its earlier calls for an amendment or repeal of the 1982 Citizenship Law in order that Rohingyas have equal access to Burmese citizenship, implying both rights and duties, and to bring the amended or replaced law into line with international human rights standards and with the country's obligations under Article 7 of the UN Convention of the Rights of the Child;
  12. Criticises the statement of the Burmese Immigration Minister Khin Yi of 11 June 2013 in which he expressed his support for the reinstatement of the two-child policy;



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13. Welcomes the recent declaration by opposition leader Aung San Suu Kyi in protest of the reintroduction of the two-child policy for Rohingyas, and urges the Burmese Government to revoke immediately this regulation along with other coercive or discriminatory policies, rules, regulations or laws;
  14. Underline the importance of making the legislative and administrative changes necessary to ensure the fullest participation of the Burmese population, including minorities, in the 2014 elections;
  15. Calls on the Vice-President/High Representative to address this issue at the highest possible political level in her contacts with Burma/Myanmar and with other ASEAN member countries;
  16. Recalls that the European Union has recently reinstalled its Generalised System of Preferences (GSP) vis-à-vis Burma/Myanmar; reiterates the conditionality of these preferences as regards respect for fundamental freedoms and human rights; urges the Commission to monitor closely the progress made by the Burmese authorities in respecting these conditions;
  17. Asks the Commission, when submitting to Parliament and the Council a delegated act for the continued application of the GSP system to Burma/Myanmar after 31 December 2013, to include an accompanying report demonstrating the absence of serious and systematic violations of the principles laid down in the conventions listed in the GSP regulation, with particular focus on the Rohingya;
  18. Calls on the Commission to assess in an effective and comprehensive manner the human rights impact of the envisaged bilateral investment agreement before formulating its proposal for negotiating directives, and in this process closely to consult Parliament and civil society;
  19. Expects the EEAS to consult and inform Parliament regularly on the process of establishing a human rights dialogue with Burma/Myanmar; asks the EEAS and the Member States to set a list of precise human rights benchmarks against which to assess reform progress by the Burmese authorities; underlines the fact that further development of EU relations with the Burmese leadership should be conditional on tangible progress, notably with regard to the Rohingya situation;
  20. Calls for a strong and visible civil society component, in which the Rohingya are represented, to participate in the EU-Burma Task Force to be established later this year, and for this effort to build on the experience of the EU-Egypt Task Force;
  21. 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 Government and Parliament of Burma/Myanmar, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Representative for Human Rights in Myanmar, the UN High Commissioner for Refugees, the UN Human Rights Council and the governments and parliaments of other states in the region.
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## RECOMMENDATIONS

# EUROPEAN PARLIAMENT

P7\_TA(2013)0234

### **Recommendation to the Council on the 68th session of the United Nations General Assembly**

**European Parliament recommendation to the Council of 11 June 2013 on the 68th Session of the United Nations General Assembly (2013/2034(INI))**

(2016/C 065/23)

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Articles 21 and 34 thereof,
- having regard to the proposal for a recommendation to the Council on the 68th Session of the United Nations General Assembly (UNGA) by Alexander Graf Lambsdorff, on behalf of the ALDE Group (B7-0083/2013),
- having regard to Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court and repealing Common Position 2003/444/CFSP,
- having regard to the EU's priorities for the 67th Session of the UNGA, as adopted by the Council on 23 July 2012 <sup>(1)</sup>,
- having regard to the Commission communication of 10 September 2003 entitled 'The European Union and the United Nations: the choice of multilateralism' (COM(2003)0526),
- having regard to the 67th Session of the UNGA, in particular that body's resolutions on 'The Arms Trade Treaty' <sup>(2)</sup>, 'Quadrennial comprehensive policy review of operational activities for development of the United Nations system' <sup>(3)</sup>, 'Freedom of religion or belief' <sup>(4)</sup>, 'Promotion of a democratic and equitable international order' <sup>(5)</sup>, 'Enhancement of international cooperation in the field of human rights' <sup>(6)</sup>, 'The rule of law at the national and international levels' <sup>(7)</sup>, and 'Women, disarmament, non-proliferation and arms control' <sup>(8)</sup>,
- having regard to the UNGA resolution of 3 May 2011 on the participation of the European Union in the work of the United Nations <sup>(9)</sup>,
- having regard to the UNGA resolution of 31 October 2003 which adopted the United Nations Convention against Corruption <sup>(10)</sup>,
- having regard to the UN Security Council (UNSC) Resolution 1325 on Women, Peace and Security, adopted on 31 October 2000,

<sup>(1)</sup> Council of the European Union 9820/1/12.

<sup>(2)</sup> UN General Assembly Resolution A/RES/67/234.

<sup>(3)</sup> UN General Assembly Resolution A/RES/67/226.

<sup>(4)</sup> UN General Assembly Resolution A/RES/67/179.

<sup>(5)</sup> UN General Assembly Resolution A/RES/67/175.

<sup>(6)</sup> UN General Assembly Resolution A/RES/67/169.

<sup>(7)</sup> UN General Assembly Resolution A/RES/67/97.

<sup>(8)</sup> UN General Assembly Resolution A/RES/67/48.

<sup>(9)</sup> UN General Assembly Resolution A/RES/65/276.

<sup>(10)</sup> UN General Assembly Resolution A/RES/58/4.

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- having regard to the resolution of the UN Human Rights Council of 5 July 2012 entitled ‘The promotion, protection and enjoyment of human rights on the Internet’, which recognises the importance of human rights protection and the free flow of information online,
  - having regard to its recommendation to the Council of 13 June 2012 on the 67th Session of the UNGA <sup>(1)</sup>,
  - having regard to its recommendation to the Council of 18 April 2013 on the UN principle of the ‘Responsibility to Protect’ (R2P) <sup>(2)</sup>,
  - having regard to its resolution of 11 May 2011 on the EU as a global actor: its role in multilateral organisations <sup>(3)</sup>,
  - having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation <sup>(4)</sup>,
  - having regard to its resolution of 7 February 2013 on the 22nd session of the United Nations Human Rights Council <sup>(5)</sup>,
  - having regard to the report of the joint delegation of the Committee on Foreign Affairs and the Subcommittee on Human Rights to the 67th session of the UN General Assembly, dated 28—29 October 2012,
  - having regard to Rules 121(3) and 97 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A7-0202/2013),
- A. whereas in view of the growing globalisation and interconnectedness of states and societies there is a growing need and opportunity for common rules and decision-making mechanisms in order to address emerging global challenges jointly;
- B. whereas the fragmentation of global policy-making, combined with a proliferation of international and transnational forums, is creating new complexities in international relations;
- C. whereas the EU is committed to effective multilateralism with a strong UN system at its core; whereas the UN is at the centre of global governance;
- D. whereas a solid and stable EU-UN partnership underpins and contributes to the work of the UN under all three pillars — peace and security, human rights and development — and whereas, in this way, the EU must meet its responsibility to play a part in devising joint approaches to global challenges;
- E. whereas respect for, and the promotion and safeguarding of, the universality and indivisibility of human rights are cornerstones of EU action on the international scene; whereas democracy and the rule of law are pillars of sustainable peace, guaranteeing human rights and fundamental freedoms;
1. Addresses the following recommendations to the Council:

### ***The EU as a global actor***

- (a) to ensure continuously the coherence and visibility of the EU as a global actor at the UN; to strengthen the ability of the EU to act in a coordinated, swift and comprehensive manner in the global arena and to deliver in a consistent and timely fashion; to ensure the full implementation of the UNGA resolution of 3 May 2011 on the EU’s participation in the work of the United Nations;

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<sup>(1)</sup> Texts adopted, P7\_TA(2012)0240.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0180.

<sup>(3)</sup> Texts adopted, P7\_TA(2011)0229.

<sup>(4)</sup> Texts adopted, P7\_TA(2011)0334.

<sup>(5)</sup> Texts adopted, P7\_TA(2013)0055.

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- (b) to advance effective multilateralism by enhancing the representativeness, transparency, accountability, efficiency and effectiveness of the UN, with the aim of improving its delivery on the ground; to recall the need to strike a new institutional balance between the emerging role of the G-20, the UN and its agencies as well as the international financial institutions;
- (c) to engage more actively with strategic and other bilateral and multilateral partners in order to promote effective solutions to problems and, whenever possible, reach towards collective efforts striving for better results;

#### ***The EU and global governance***

- (d) to enhance cooperation with partners in making the UN a more effective and cohesive organisation for the 21st century;
- (e) to promote a comprehensive and consensual reform of the UNSC; to present a concrete proposal on how to achieve, as a central, long-term goal of the EU, a common EU seat in an enlarged UNSC; to take the initiative to develop a common position of the EU Member States to that end; to further promote transparency and better coordination of policies and positions amongst EU members of the UNSC; to ensure that those Member States holding a permanent seat at the UNSC shall promote the Union's views and positions as the means for the EU to act in a coordinated fashion in the UNSC;
- (f) to pursue coordinated efforts to strengthen the role and authority of the UNGA and to increase its effectiveness and efficiency, including through the improvement of its working methods;
- (g) to foster a more institutionalised involvement of other stakeholders (civil society representatives, academia) in the work of the UNGA; to strengthen the UN system by broadening and deepening the pool of civilian expertise;
- (h) to promote the implementation of mandatory country-by-country disclosure of payments of transnational companies, namely in the banking and extractive sector, registered or listed on financial markets in partners' national jurisdictions;

#### ***Peace and security***

- (i) to promote the incorporation of a peace-building perspective into peacekeeping operations and to enhance closer coordination between peacekeeping operations and UN Country Teams and development actors;
- (j) to cooperate in strengthening the role and capacity of regional organisations in peacekeeping, conflict prevention, civilian and military crisis management, and conflict resolution; to foster joint assessment missions and to strengthen cooperation between the EU and its partners (including the African Union and sub-regional organisations, NATO, OSCE, ASEAN, CELAC, Arab League, etc.) in preventing conflicts and in post-conflict countries;
- (k) upon request, to provide the United Nations with support from the EU battlegroups for peace enforcement missions and to ensure the full cooperation of the Member States in their use for missions which have been authorised by the UNSC or the UNGA;
- (l) to assure that the mandates of peacekeeping missions reflect the need to support electoral processes, including election observation missions;
- (m) to work towards establishing the Responsibility to Protect (R2P) as a new norm of international law, within the scope agreed to by UN member states in the 2005 World Summit;
- (n) to ensure full consistency and compliance with international humanitarian law of possible further developments and applications of the R2P principle, while working towards its universality as a tool for preventive diplomacy and a driver for human development;

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- (o) to follow-up on proposals presented by Parliament in its recommendation to the Council on the UN principle of the R2P<sup>(1)</sup>, and to work with partners to ensure that the concept of R2P focuses on prevention, protection and post-conflict reconstruction, involving situations of concern of genocide, ethnic cleansing, war crimes or crimes against humanity, but is never used as a pretext to advance particular or national interests, or those of international coalitions based on geostrategic or economic considerations with the aim of regime change; to assist states in building capacities to this effect;
- (p) to develop criteria to be followed when acting to implement R2P, in particular the third pillar, including military interventions, such as proportionality, ex-ante clarity about the policy objectives and the use of in-depth impact assessments;
- (q) to strengthen the EU's role as a global political actor by playing an active role in preventive diplomacy;
- (r) to demand of all parties, whether state and non-state actors directly or indirectly involved in armed conflict, that they fully respect their obligations under international law, including securing humanitarian space and ensuring unhindered access to humanitarian assistance for those in need, with a particular focus on the protection of civilians, and that they advocate a peaceful and diplomatic solution to any kind of conflict;
- (s) to support UNSC Resolutions 1325 (2000) and 1820 (2008) on women, peace and security; to emphasise and ensure the participation of women in peace processes; to recognise the need to mainstream gender perspectives in conflict prevention, peacekeeping operations, humanitarian assistance and post-conflict reconstruction;
- (t) to cooperate with the UN to tackle global security threats such as nuclear weapons proliferation, organised crime and terrorism; to step up efforts to conclude the negotiations on a comprehensive convention on international terrorism;
- (u) to cooperate with multilateral and bilateral partners towards adding more robust and effective pressure in order to put an immediate end to the violation of human rights and violence in Syria; to explore with partners, especially the US, Turkey and the League of Arab States, all options with regard to the implementation of the principle of the R2P in order to assist the Syrian people and to halt the bloodshed; to put pressure on the Syrian government and all those involved in the crisis to fully respect international humanitarian law and to allow the swift provision of cross-border humanitarian assistance, basic public services as well as full access for humanitarian organisations; to call on international partners to meet their financial commitments as regards providing help to Syrian refugees, thereby allowing the UNHCR and other organisations to provide the necessary assistance; to explore with partners ways how to minimise the impact of the Syrian crisis on neighbouring countries;
- (v) to promote, in accordance with relevant UNSC resolutions, the efforts of the region and the international community to find a political solution to the conflict in Mali and foster a democratic transition by consolidating the institutions of transition, promoting — inter alia through mediation — inclusive national dialogue and reconciliation, as well as free, fair and transparent elections; to support as well the initiatives for the territorial integrity of Mali and the security of the country's population; to emphasise the importance of maintaining stability in the Sahel region and of preventing a negative impact on the stability of Mali's neighbouring countries; to closely coordinate its actions with regional and international partners, including the African Union and ECOWAS; to provide support for, and to encourage EU Member States to participate in, a UN-led peace-keeping mission and a task to provide military training to Malian

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0180.

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armed forces within EUTM Mali; to continue to provide assistance to MISMA (Mission Internationale de Soutien au Mali);

- (w) to welcome the Arms Trade Treaty (ATT) adopted by the UNGA on 2 April 2013, which will apply to a wide range of arms, including ammunition; to actively promote the rapid signing, swift ratification and effective and universal implementation of the ATT by all UN member states, including the world's major arms producing countries; to lead efforts aimed at setting the highest common standards, also with regard to the situation of human rights in recipient countries, for the regulation of the international trade in arms and the combating of illicit trafficking, thus preventing conflict, reducing human suffering and corruption, and contributing to international peace and security;
- (x) to increase its efforts for multilateral commitments to reduce the number of nuclear weapons;

***Human rights, democracy and the rule of law***

- (y) to strengthen international efforts aimed at ensuring that all human rights agreed under UN conventions are considered universal, indivisible, interdependent and interrelated and that their respect is being enforced; to oppose attempts to undermine humanitarian law in the fight against terrorism; to promote the mainstreaming of human rights, including digital freedoms, and basic freedoms in all aspects of the UN's work;
- (z) to seek to strengthen the process of the Universal Periodic Review (UPR) by embedding recommendations in bilateral and multilateral dialogues with UN member states, particularly in its human rights dialogues; to facilitate an environment enabling NGOs to provide their input into the various stages of the UPR process;
- (aa) to combat intolerance, negative stereotyping, stigmatisation, discrimination and incitement to violence; to recognise with deep concern the rising violence against members of religious and other communities in various parts of the world;
- (ab) to address restrictions on freedom of the press and media worldwide; to combat violence against journalists and bloggers; to safeguard and promote freedom of expression, both online and offline;
- (ac) to advance universal support for the Rome Statute of the International Criminal Court (ICC) and work towards a strengthening of the working capacities of the ICC in order to reduce impunity for crimes against humanity;
- (ad) to promote commitment to an international order based on the rule of law as being essential for the peaceful coexistence of states and for the building of more resilient states and sustainable peace; to recall in this regard that democracy support and respect for the rule of law are interlinked and should be promoted as such as an EU foreign policy objective;
- (ae) to strengthen support to states, upon their request, in the domestic implementation of their respective international obligations by means of enhanced technical assistance as well as institution- and capacity-building;
- (af) to follow up the recommendations of the political declaration adopted at the High-Level Meeting on the Rule of Law in September 2012; to support the establishment of the joint global focal point for the rule of law; to fully support the role of the Rule of Law Coordination and Resource Group in overall coordination and coherence, also in order to avoid fragmentation between services (Department for Political Affairs, UN Development Programme, etc.);
- (ag) to recall that corruption is a violation of human rights and that the European Union has claimed an exclusive competence for the signature of the UN Convention against Corruption; to request the VP/HR to present an EU Action Plan against corruption to effectively monitor the Convention recommendations, e.g. through an obligation on the part of the Member States to publish and disseminate information on corruption; to establish channels for reporting these violations, a legal framework for the protection of witnesses and means to ensure the participation of civil society;

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***Sustainable development***

- (ah) to contribute to enhancing policy coherence for development and to determined efforts to combat poverty, and to improving the effectiveness of development aid, since these remain key issues for achieving the Millennium Development Goals (MDGs);
- (ai) to incorporate into development strategies the assessment and managing of disaster risk reduction in order to safeguard the lives and livelihoods of populations;
- (aj) to improve the link between relief, rehabilitation, disaster risk reduction and development and to enhance coordination between humanitarian and development actors in order to guarantee the continuity of aid and build resilience, the need for which is highlighted by the recurring food crises in the Sahel region and the Horn of Africa;
- (ak) to work towards the full implementation of the outcome of the Rio+20 Conference, inter alia by promoting sustainable development as the guiding principle for long-term global development; to honour the international undertaking of the EU and the Member States, irrespective of the impact of the financial and economic crisis on the EU27, to earmark 0,7 % of GDP for development aid,;
- (al) to cooperate in making the High-Level Political Forum for Sustainable Development operational on schedule in order to coordinate the ongoing monitoring and evaluation of progress towards the stated goals;
- (am) to promote universal access to water and affordable and sustainable energy services, as these are key drivers for poverty eradication and inclusive growth;
- (an) to work towards the post-2015 MDG Agenda in a coherent and coordinated manner; to negotiate a single set of goals for sustainable development that have a global reach and are action-oriented, measurable, time-bound and easy to communicate; to aim for goals that incorporate sustainability, equity and governance;
- (ao) to support the UNGA President's initiative to present civil society with a post-2015 development agenda by organising a special event on the achievement of MDGs, to be held during the 68th session of UNGA in 2013, as an important point of civil society consultation, as this event could serve to unite the Sustainable Development Goals (SDGs) and post-2015 development process into a 'common track';
- (ap) to call for the new post-2015 framework for cooperation to be accompanied by a predictable and realistic funding agenda, in line with the objectives agreed on;

***Global cooperation between parliaments***

- (aq) to promote interaction on global issues between governments and parliaments; to strengthen global governance and allow for greater public and parliamentary participation in the activities of the UN;

***General considerations***

- (ar) to enhance the follow up to the recommendations adopted by Parliament, including by inviting the European External Action Service to report back to it every year on the outcome of the UNGA session;
2. Instructs its President to forward this recommendation to the Council, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy and, for information, to the Commission.
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P7\_TA(2013)0278

## 2013 review of the organisation and functioning of the EEAS

**European Parliament recommendation to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission of 13 June 2013 on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))**

(2016/C 065/24)

*The European Parliament,*

- having regard to Article 27(3) of the Treaty on European Union (TEU) which provides for the establishment of a European External Action Service (EEAS) whose task is to assist the High Representative of the Union for Foreign Affairs and Security Policy,
- having regard to Article 21 (3) TEU which stipulates that the High Representative shall assist the Council and the Commission in ensuring the consistency between the different areas of the Union's external action,
- having regard to Article 26 (2) TEU which provides that the Council and the High Representative shall ensure the unity, consistency and effectiveness of action by the Union,
- having regard to Article 35, third paragraph TEU which states that the diplomatic and consular missions of the Member States and the Union delegations shall contribute to the implementation of the right of citizens of the Union to protection in the territory of third countries,
- having regard to Article 36 TEU which states that the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (hereinafter HR/VP) shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy, inform it of how those policies evolve, and ensure that the views of the European Parliament are duly taken into consideration,
- having regard to Article 42 TEU which gives the HR/VP powers to make proposals in the field of common security and defence policy, including the initiation of missions, using both national and Union resources,
- having regard to Article 13 (3) of the Council Decision of 26 July 2010 establishing the European External Action Service (hereinafter EEAS Decision), which lays down that the High Representative shall carry out, by mid-2013, a review of the organisation and functioning of the EEAS which will cover inter alia the implementation of Articles 6(6) and 6(8) on geographical balance, accompanied, if relevant, by a legislative proposal amending the Decision,
- having regard to Articles 298 and 336 of the Treaty on the Functioning of the European Union (TFEU) which provides for the legislative procedure that applies to staff matters,
- having regard to the Declaration by the HR/VP of the Commission on Political Accountability (hereinafter HR/VP Declaration) <sup>(1)</sup>,
- having regard to the 2012 EEAS Staffing Report of 24 July 2012 presented in accordance with Article 6(9) of the EEAS Decision,
- having regard to Rule 97 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on Budget, the Committee on Budgetary Control and the Committee on Legal Affairs (A7-0147/2013),

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<sup>(1)</sup> OJ C 210, 3.8.2010, p. 1.



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- A. whereas the Lisbon Treaty introduced the objective of ensuring the unity, consistency and effectiveness of the European Union's external action;
- B. whereas the EEAS is a new body of hybrid nature, drawing upon community and intergovernmental sources, which has no precedent in the EU and which therefore cannot be expected to be fully functional within two years of its establishment; whereas, therefore, a review of its organisation and functioning should be based on fair and constructive criticism;
- C. whereas the success of the EEAS should be measured against its ability to pursue a comprehensive approach by the EU to today's external challenges and responsibilities, and its capacity to achieve a more efficient use of scarce resources through greater cooperation and economies of scale at European Union and national levels;
- D. whereas the triple-hatted role of the HR/VP is the most tangible manifestation of this search for greater coherence in the EU's external action;
- E. whereas the current structure within the Commission does not adequately reflect the specific role granted to the HR/VP in relation to the EU's external action;
- F. whereas the multiple roles entrusted by the Lisbon Treaty to the HR/VP calls for the creation of (a) political deputy/ies in order to ensure that (s)he is assisted in the accomplishment of her/his tasks;
- G. whereas operational decision-making and implementation in the area of the Common Foreign and Security Policy/ Common Security and Defence Policy (CFSP/CSDP) are too slow because of structural and procedural reasons; whereas this has become apparent once more with the crisis in Mali, in response of which decision-making procedures and funding decisions have not been swiftly adopted and implemented;
- H. whereas the EEAS should be a streamlined, results-orientated, efficient structure, capable of providing support for political leadership in external relations, particularly in the area of CFSP and facilitating decision-making in the Council; whereas, for this reason, the EEAS should be capable of providing, at short notice and in a coordinated fashion, expertise from different departments, including from the Commission; whereas the current structure of the EEAS is too top-heavy and marked by too many decision-making layers;
- I. whereas the opportunities for quick deployment offered by the EU battle groups are not yet used;
- J. whereas the experience of the past has clearly shown the need for establishing permanent operational Headquarters in Brussels for the conduct of CSDP missions;
- K. whereas, in the case of the Arab revolutions, it has become apparent that the EU is unable to ensure, in the short term, a reallocation of resources, including staff, to match new political priorities; whereas the size and staff profiles of EU delegations must reflect the Union's strategic interests;
- L. whereas the role of the EEAS in defining the strategic orientation, and in contributing to the implementation of the EU external financing instruments, should be strengthened in line with the key lines of EU foreign policy;
- M. whereas the importance of ensuring better coordination and good governance on development issues at the international level needs to be reaffirmed, in order to allow the EU to speak with one voice and gain visibility;
- N. whereas, particularly at times of budgetary restrictions, the EEAS should act as a catalyst for greater synergies, not only within the EU institutional framework but also between the EU and its Member States;
- O. whereas, at a time when Member States' governments are reducing their diplomatic and consular presence, the EEAS should be seen and further used as an opportunity to foster greater cooperation and synergies;

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- P. whereas greater effort should be made to avoid duplication of efforts and structures between the EEAS, the Commission — in particular DG DEVCO and the European Community Humanitarian aid Office (ECHO) — and the Council Secretariat;
- Q. whereas the target of one third of staff originating from Member States has been reached, and whereas the staff originating from the three components (the Commission, the Council Secretariat and the national diplomatic services) should be appropriately distributed at all levels and between delegations and Headquarters;
- R. whereas women are under-represented in AD and senior positions, and over-represented in AST positions;
- S. whereas any modification regarding the rules on staff has to be adopted under the codecision procedure;
- T. whereas there is a clear need to develop the EEAS' capacity to identify and learn lessons from previous operational experiences, particularly in the area of conflict prevention, conflict mediation, crisis management, reconciliation and peace-building;
- U. whereas, two and a half years after the adoption of the HR/VP Declaration, there should be a thorough assessment of the political accountability of the EEAS towards Parliament, notably as regards the extent to which Parliament is consulted on strategic decisions and its views and inputs are taken into account;
- V. whereas this assessment should also address ways to improve appearances before Parliament and its bodies by the HR/VP and EEAS officials, including the Heads of Delegations and EUSRs, and how the EEAS follows up Parliament's resolutions;
- W. whereas Parliament's oversight over the EEAS is essential if European external action is to be better understood and supported by EU citizens; whereas parliamentary scrutiny enhances the legitimacy of the external action;
- X. whereas flexibility is lacking in the current financial circuits in delegations, with detrimental effect on the workload of the staff;
1. Addresses the following recommendation to the High Representative/Vice President, the Council and the Commission, bearing in mind that there has been good progress in setting up the EEAS but that more can be achieved in terms of synergy and coordination between institutions, as well as political leadership and visibility, due to the opportunities created by the combination of the roles of High Representative, Vice-President of the Commission and Chair of the Foreign Affairs Council, and by strengthening the instrumental nature of the Service:

***On leadership and a more rational and efficient structure for 21st century diplomacy***

2. to provide support to the HR/VP in the accomplishment of his/her multiple duties as entrusted by the TEU, by foreseeing the appointment of (a) political deputy/ies who would be accountable to Parliament and appear before its responsible committee prior to taking up duties, and empowered to act on behalf of the HR/VP; to ensure also that RELEX Commissioners can fully represent the HR/VP for parliamentary matters and internationally; furthermore, to consider involving Member States' foreign ministers for specific tasks and missions on behalf of the Union, as a way of reinforcing common EU positions;
3. in light of the above, to simplify the command structure of the EEAS and enhance the role of its Executive Secretary General by establishing a clear chain of command to support effective decision-making as well as timely policy response, in this context, to rationalise the posts of Chief Operating Officer and Managing Director in charge of Administration, to reduce and simplify the hierarchical structure of the Managing Directorates, to clearly define the relevant competences within the management structure of the EEAS, and to review the current structure based on the Corporate Board, with a view to achieving efficiency, clarity and coherence in decision-making; in the same spirit, to ensure that the HR/VP receives political advice, for instance through a Political Council, from all the relevant institutional actors, thus allowing him/her to assess the impact of actions to be undertaken by the EEAS;

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4. to improve and strengthen the HR/VP's coordinating, initiating and political leadership roles, in particular as chair of the Foreign Affairs Council, by ensuring that, in the next Commission, (s)he realises his/her full potential as Vice-President of the Commission and is entrusted with the chairing of the group of RELEX Commissioners, enlarged to other Commissioners whose portfolios have an external dimension, in order to develop further the practice of joint proposals and joint decisions;
5. to make full use of the synergy effect of the EEAS and in this context to envisage the possibility of qualified majority voting on CFSP matters, as laid down in Article 31(2) TEU, and to formally explore the broadening of qualified majority voting on CFSP matters by means of the respective passerelle clause;
6. to ensure that, in compliance with Article 9(3) of the EEAS Decision, the EEAS plays a leading role in the definition of the strategies of the relevant external financing instruments and that, for this purpose, the EEAS has the expertise to lead in these areas;
7. to safeguard, at the same time, the 'community' character of the neighbourhood policy, bearing in mind that Parliament rejects any intergovernmentalisation of Union policies, and that the Treaty bestows upon the Commission the main responsibility for negotiating international agreements for and on behalf of the Union;
8. to further improve the interface between the Directorate for Foreign Policy Instruments and the EEAS;
9. to ensure that the European Union Special Representatives (EUSRs) are closely integrated into the work of the EEAS by anchoring them and their staff in the EEAS structure, and to consider, whenever possible, double-hatting them with EU Heads of Delegation;
10. to carry out a systematic and in-depth audit in order to unify the external policy-related structures put in place by the Commission and the Council Secretariat, with a view to overcoming current duplications and promoting cost efficiency; to make this report available to Parliament;
11. in the same vein, to further develop the practice of joint technical and logistical services between institutions, with a view to achieving economies of scale and improved efficiency; as a first step, to put under a 'single joint structure' the various logistical services of the Commission and EEAS for early warning, risk assessment and security tasks covering events outside of the Union, in which these services have to cooperate;
12. in coordination with the Member States, to set out options over the medium to long-term for achieving economies of scale between Member States' diplomatic services and the EEAS in third countries, including in relation to the provision of consular services;
13. to adopt a coherent approach as regards the chairing of working groups of the Council and to end the rotating presidency of those groups;
14. in line with Article 24 TEU, to ensure that Member States support the Union's external and security policy actively and unreservedly, in a spirit of loyalty and mutual solidarity, and that they comply with the Union's actions and support the EEAS in carrying out its mandate;
15. to this end, to promote deeper cooperation with Member States and to develop joint political reporting between delegations and embassies;

***On the 'appropriate structure' for ensuring a comprehensive approach***

16. to implement the full potential of the Lisbon Treaty by pursuing a Comprehensive Approach that integrates diplomatic, economic, development, and — in the last resort and in full compliance with the UN Charter — military means behind common Union strategic policy guidelines in order to protect and promote the security and prosperity primarily of EU citizens and those in their neighbourhood, as well as further afield; in this context, to ensure coherence between short-term and longer-term measures; in addition, to ensure that the EEAS has the capacity for strategic thinking and to forward proposals for implementing important innovations offered by the Lisbon Treaty, like entrusting the implementation of certain tasks to groups of capable Member States, and the development of Permanent Structured Cooperation, including the use of battle groups;

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17. to that end, to develop further an 'appropriate structure' (for instance identified as a Crisis Board) that integrates conflict prevention, crisis response, peace building, the foreign policy instruments concerned, security policy and CSDP structures, and assures coordination with the geographical desks, delegations and other policy departments concerned in crisis management, building on the crisis platform concept; to ensure overall coherence and the avoidance of duplication within the EEAS; furthermore, to enhance inter-institutional coordination and clarity of roles;

18. to ensure effective and integrated planning, and faster decision-making, for CSDP operations, by combining the relevant planning capacities from the Crisis Management and Planning Directorate (CMPD) and the Civilian Planning and Conduct Capability (CPCC); in addition, to create a permanent conduct structure by establishing a permanent military Operational Headquarter, co-located with a Civilian Conduct Capability, in order to allow the effective implementation of military and civilian operations whilst safeguarding their respective chains of command;

### ***On reforming financial procedures for effective external action***

19. to make full use of all possible flexibilities under the Financial Regulation relating to the financial management of administrative and operational expenditure so as to authorise Heads of Delegations, where circumstances so require, to sub-delegate further to their deputy and to Commission staff, thereby facilitating the management and smooth running of Delegations and allowing Heads of Delegations to focus on their political tasks;

20. to speed up procedures in the Foreign Policy Instruments Service for administering CFSP finances against the objective of guaranteeing flexible and timely response to crisis situations and, in particular, to ensure that civilian CSDP operations are launched rapidly and with efficiency; in this regard, to examine whether changes to the Financial Regulation can be introduced without reducing oversight;

21. to increase the flexibility and reactivity of EU external assistance by reviewing the rules for decisions on programming and spending for external financial instruments;

22. to improve financial accountability by extending transparency to all CFSP budget lines including CSDP operations, EUSRs, non-proliferation and conflict prevention;

### ***On the Delegations***

23. to grant the EEAS a greater say in the (re)allocation of Commission staff in EU delegations in order to ensure that the staff profiles and size of EU delegations reflects the Union's strategic interests and its political priorities;

24. to take the necessary steps to ensure that Heads of EU Delegations are appointed on the basis of merit and sound knowledge of the Union's interests, values and policies, in order to ensure motivation and the highest degree of quality and efficiency among those selected for such sensitive functions;

25. to provide that, particularly in delegations where the number of EEAS staff is small, the Head of Delegation can, in compliance with Article 5(2) of the EEAS Decision, also task Commission staff to carry out political analysis and political reporting;

26. in this context, to strengthen the authority of the Heads of Delegation over the whole staff, including Commission staff, and to ensure that the Head of Delegation is the addressee of all instructions issued by Headquarters;

27. to seriously develop the opportunities opened up by the EEAS Decision and by the TEU, notably by enhancing the coordinating role of delegations, especially in crisis situations, and by enabling them to provide consular protection to EU citizens from Member States who are not represented in a given country; to ensure any additional tasks do not take resources away from existing policies, institutions and priorities at EU level;

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28. given that the vast majority of EU Delegations now have human rights focal points, to ensure that human rights and women's rights in particular are mainstreamed within every Delegation and Office of the EU; furthermore, to give visibility to European culture based on its diversity; to ensure, where appropriate, that EU delegations have among their existing staff a liaison officer for the European Parliament charged with providing adequate assistance to Parliament's delegations in third countries and enquiries, based on the principle that EU delegations represent all EU institutions in the same manner;

29. to ensure, furthermore, that delegations have expertise in those policy areas (e.g. climate change, energy security, social and labour policy, culture, etc.) which are relevant for the EU's relations with the country in question;

30. to ensure that, wherever applicable, every delegation has a security and defence attaché, in particular where delegations operate in situations of political instability or fragility or where a recent CSDP operation or mission has been terminated, in order to ensure operational continuity and adequate monitoring of the political environment;

31. Calls on the HR/VP to order a review of the security arrangements and requirements at EU delegations abroad, so as to ascertain that security decisions are made by the EEAS and not by outside security contractors;

#### ***On implementing the Declaration on Political Accountability***

32. in line with the quadripartite agreement reached in Madrid in June 2010, to ensure full and effective implementation of the obligation in Article 36 TEU to have the Parliament's views duly taken into consideration, for example by a proactive and systematic consultation with the appropriate committee of Parliament before the adoption of strategies and mandates in the area of CFSP/CSDP;

33. to ensure full political reporting from Union delegations to key office holders of Parliament under regulated access;

34. to ensure, in line with Article 218(10) TEU, that Parliament is immediately and fully informed at all stages of the procedure for negotiations on international agreements, including agreements concluded in the area of CFSP;

35. in line with the positive experience of newly appointed Heads of Delegations and EUSRs appearing before AFET before taking up their posts, to extend this practice to newly appointed CSDP Heads of Missions and Operations;

36. to ensure that, once appointed by the HR/VP, the new Heads of Delegations are officially confirmed by the relevant committee of Parliament before taking up their posts;

37. to have a systematic exchange with the appropriate committee of Parliament ahead of each Foreign Affairs Council and to debrief this committee after each Council meeting;

#### ***On training and consolidating a European diplomatic esprit de corps***

38. to promote common training and other concrete measures for the consolidation of an esprit de corps among EEAS staff with various diplomatic, cultural and institutional backgrounds, and to consider joint training initiatives for EEAS staff and national diplomats, as part of their continuous professional development;

39. in this spirit, to review the relevant existing training and educational programmes at EU and national levels, with a view to consolidating them alongside the existing European Security and Defence College;

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### ***On the recruitment base***

40. to further pursue and intensify efforts to achieve better gender balance, with due regard to merit and competences; to emphasise the importance of achieving balance at the level of Heads of Delegations and other managerial levels; to introduce transitional measures, whilst developing an action plan, that would include mentoring programmes, special training and a family-friendly working environment in order to promote the representation of women and to address the structural obstacles to their diplomatic careers;

41. to take all necessary measures to redress geographical representativity at senior levels and at all other grades and positions in order to foster and encourage political ownership of the EEAS by officials and Member States alike, and as required by Article 6(6) and 6(8) of the EEAS Decision;

42. given that the target of one third of staff recruited from Member States has been reached, to ensure that staff from national ministries are not concentrated at managerial levels, thereby enabling career opportunities for all, and to focus now on the recruitment of new EU staff on a permanent basis; also to explore, in that regard, the options for national diplomats working at the EEAS to apply for permanent posts within the Service;

43. in order to develop a truly European esprit de corps and to ensure that the Service only serves common European interests, to oppose all attempts by the Member States to interfere with the recruitment process of EEAS staff; now that the transition period is over, to ensure that the EEAS can develop its own and independent recruitment procedure, open also to officials from all EU institutions and to candidates from the outside through open competitions;

44. to consider in particular, in view of the European Parliament's special role with regard to the definition of objectives and basic choices of the Common Foreign and Security Policy, Parliament's competences as a budgetary authority, its role in democratic scrutiny of foreign policy as well as its practice of parliamentary foreign relations, the possibility for officials from the European Parliament to be able to apply for posts in the EEAS on an equal footing with those from the Council and the Commission from 1 July 2013;

45. to ensure that the EEAS has the appropriate mix of skills for responding to conflict, in particular by developing skills in the area of mediation and dialogue.

### ***The longer term***

46. Calls, in the context of a future Convention, for the further development of CFSP/CSDP and of the role of the EEAS, including a change of name, to be put on the agenda;

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47. Instructs its President to forward this recommendation to the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, the Council, the Commission and the governments and parliaments of the Member States.

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P7\_TA(2013)0279

## **Promotion and protection of freedom of religion or belief**

**European Parliament recommendation to the Council of 13 June 2013 on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief (2013/2082(INI))**

(2016/C 065/25)

*The European Parliament,*

— having regard to the proposal for a recommendation to the Council by Laima Liucija Andrikiene, on behalf of the PPE Group, on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief (B7-0164/2013),

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- having regard to the Universal Declaration of Human Rights and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,
  - having regard to the International Covenant on Civil and Political Rights and General Comment 22 by the United Nations Human Rights Committee <sup>(1)</sup>,
  - having regard to the Charter of Fundamental Rights of the European Union,
  - having regard to the Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief from 2009 and 2011 <sup>(2)</sup>,
  - having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted by the Council on 25 June 2012 <sup>(3)</sup>,
  - having regard to the Commission Joint Communication to the European Parliament and the Council of 12 December 2011 entitled 'Human Rights and Democracy at the Heart of EU External Action — Towards a More Effective Approach' (COM(2011)0886),
  - having regard to its recommendation to the Council of 13 June 2012 on the EU Special Representative for Human Rights <sup>(4)</sup> and to Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights <sup>(5)</sup>,
  - having regard to its resolution of 13 December 2012 on the review of the EU's human rights strategy <sup>(6)</sup>,
  - having regard to its resolutions on the annual reports on Human Rights and Democracy in the World and the European Union's policy on the matter <sup>(7)</sup>,
  - having regard to Article 36 of the Treaty on the European Union,
  - having regard to the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief ('the Guidelines'),
  - having regard to Rule 121(3) of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A7-0203/2013)
- A. whereas, according to Article 21 of the Treaty on the European Union, democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law are the guiding principles for all EU external actions;
- B. whereas the right to freedom of religion or belief, including theistic, non-theistic and atheistic beliefs, the right not to believe and the right to change one's religion or belief, is a universal human right and a fundamental freedom of each human being, interrelated with other human rights and fundamental freedoms as enshrined in Article 18 of the Universal Declaration of Human Rights;
- C. whereas the European Parliament has repeatedly called for an ambitious toolkit to advance the right to freedom of religion or belief as part of EU external policy;
- D. whereas the European Parliament has welcomed, in this context, the EU's commitment to developing guidelines on freedom of religion or belief in accordance with the EU Action Plan on Human Rights and Democracy, and has stressed the need for Parliament and civil society organisations to be involved in the preparation of these guidelines;

<sup>(1)</sup> General Comment adopted by the UN Human Rights Committee under Article 40, paragraph 4 of the International Covenant on civil and political rights CCPR/C/21/Rev.1/Add.4, 27 September 1993

<sup>(2)</sup> Council of the European Union 24.11.2009, 21.2.2011

<sup>(3)</sup> Council of the European Union 11855/12

<sup>(4)</sup> Texts adopted, P7\_TA(2012)0250.

<sup>(5)</sup> OJ L 200, 27.7.2012, p. 21.

<sup>(6)</sup> Texts adopted, P7\_TA(2012)0504.

<sup>(7)</sup> Texts adopted, P7\_TA(2010)0489, P7\_TA(2012)0126, P7\_TA(2012)0503.

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- E. whereas according to the standards of international law, all states have the duty to provide effective protection to all their citizens and all other persons under their respective jurisdictions; whereas persecutions against persons and their families, communities, places of worship and institutions, based on their particular religious affiliation, their convictions or any legitimate public expression of their religion or belief, are widely reported in some regions of the world; whereas discrimination based on religion or belief still exists in all regions of the world including Europe and its neighbourhood, and whereas persons belonging to particular religious communities, including religious minorities and non-believers, continue to be denied their human rights and are regularly discriminated against, arrested, convicted and in many countries sometimes even executed because of their religion or belief;
1. Addresses the following recommendations to the Council:

#### ***Reason for action***

- (a) Promoting the right to freedom of religion or belief and preventing it from being violated has to be a priority in the EU's external policies;
- (b) Violence, persecution and discrimination against people belonging to religious communities and minorities, or against people who hold non-religious beliefs, persist in many parts of the world; the lack of religious tolerance and openness to dialogue and the lack of ecumenical coexistence often lead to political unrest, violence and open armed conflicts, endangering lives and undermining regional stability; clear and prompt condemnation by the European Union of all forms of violence and discrimination should be a basic element of EU policy in the area of freedom of religion or belief; particular attention should be paid to the situation of those who change their religion or belief, as in practice they are subject in a number of countries to social pressure, intimidation or outright violence;

#### ***Purpose and scope***

- (c) The purpose and scope of the EU Guidelines should be to promote and protect freedom of religion or belief in third countries, to mainstream freedom of religion or belief in all the EU's external actions and human rights policies and to develop clear benchmarks, criteria, standards and a practical orientation in order to enhance the promotion of freedom of religion or belief in the work of officials from the EU institutions and Member States, and thus contribute to more coherence, effectiveness and visibility on the part of the EU in its external relations;

#### ***Definitions***

- (d) As their successful implementation will depend on this, the Guidelines should offer clarity in the definitions used and the appropriate and full protection of the right to freedom of religion or belief, in accordance with international law, in its private and public expressions, as well as in its individual, collective and institutional dimensions, including the right to believe or not to believe, the right to change one's religion or belief, the freedom of expression, assembly and association, as well as the right of parents to educate their children according to their moral convictions — i.e. religious or non-religious; clear definitions and full protection are also required as regards the recognition of the legal personality of religious and belief-based institutions and respect for their autonomy, the right to conscientious objection, the right to asylum, the right to observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief, and the fundamental right to protection of one's property;

#### ***Operational Guidelines***

- (e) The Guidelines should be based on international law and treaties recognised and ratified by the international community;



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**Proportionality**

- (f) As the draft Guidelines state, in accordance with the principles accepted by the international community, the freedom from coercion to have or to adopt a religion or belief and the liberty of parents and guardians to ensure religious and moral education cannot be restricted. Any other manifestation of the right to freedom of religion or belief may be subject only to 'such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others'<sup>(1)</sup>; at the same time, the limitations must be strictly interpreted, directly related and proportionate with regard to the protected rights of others and the right balance must be achieved; the proportionality criterion should therefore be stressed in the Guidelines;

**Freedom of expression**

- (g) While freedom of religion or belief and freedom of expression are mutually reinforcing rights, in cases where these two rights are invoked against each other, the EU should also bear in mind that modern media tools allow for a greater degree of interconnectedness between cultures and faiths; therefore steps need to be taken to avoid intercultural violence as a reaction to acts of freedom of expression related to criticism and especially ridicule or mockery; in this context, the EU should help in reducing such tensions, for example by promoting mutual understanding and dialogue, and condemn unequivocally any act of violence committed in reaction to such speech, and it should firmly oppose any attempt to criminalise freedom of speech in relation to religious issues, such as blasphemy laws;

**Collective dimension of freedom of religion or belief**

- (h) It should be stressed in the Guidelines that an indispensable part of freedom of religion or belief is the right of each individual to manifest the freedom of religion or belief alone or in community with others; this includes:
- the freedom to worship or assemble in connection with a religion or belief, and to establish and maintain places and religious sites for these purposes;
  - the freedom not to participate in any given religious activity or event,
  - the freedom to establish and maintain appropriate religious, media, educational, health, social, charitable or humanitarian institutions;
  - the freedom to solicit and receive voluntary financial and other contributions from individuals and institutions;
  - the freedom to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
  - the freedom to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels; equally, it should be noted in the Guidelines that the right to exercise religion in community with others (in the context of which individual freedoms must always be respected) should not unnecessarily be limited to officially recognised places of worship, and that all undue limitations to the freedom of assembly should be condemned by the EU; the Guidelines should underline that States have a duty to remain neutral and impartial towards religious groups, including as regards symbolic or financial support;
- (i) considers that secularism, defined as the strict separation between religious and political authorities, implies the rejection of any religious interference in the functioning of government and of any public interference in religious affairs except for the purpose of upholding rules of safety and public order (including respect for the freedom of others), and that it guarantees equal liberty of conscience for all, be they believers, agnostics or atheists;

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<sup>(1)</sup> UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Art. 1, par. 3, A/RES/36/55

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### **Registration requirements**

- (j) The EU should take action when registration requirements for religious or belief-related organisations unduly limit the freedom of religion or belief. Registration should not be understood as a prerequisite for the enjoyment of one's human right to freedom of religion or belief, as that right cannot be conditional upon administrative or legal requirements; the EU should call for the abolishment of any legislation, such as the mandatory registration of one's religion in civil status documents, if this legislation leads to discrimination against persons holding non-religious beliefs or persons who have changed their religion or belief;

### **Education**

- (k) As recognised by internationally accepted standards, the parents or legal guardians of a child have the liberty to ensure that their children receive a religious and moral education in conformity with their own convictions, and the child shall not be compelled to receive teaching on religion or belief against the wishes of his or her parents or legal guardians, the best interests of the child being the guiding principle; the right of parents to educate their children according to their religious or non-religious convictions includes their right to deny any undue interference by state or non-state actors in their education opposed to their religious or non-religious convictions; the Guidelines should stress these aspects of the right to freedom of religion or belief, and should also guarantee secularisation in public education, and EU delegations should take appropriate action if this principle is violated;

### **Family and social laws**

- (l) The EU should pay particular attention to discrimination based on religion or belief in the family and social laws of third countries, especially but not exclusively within the context of the right to marriage and the right to child custody;

### **The right to conscientious objection**

- (m) The Guidelines should include the right to conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion; the EU should call on states with a system of compulsory military service to allow for an alternative service of a non-combatant or civilian character, in the public interest and not of a punitive nature, and to refrain from punishing, including through prison sentences, conscientious objectors for failure to perform military service;

### **Asylum**

- (n) The EU should encourage third countries to accept refugees persecuted on the basis of their religion or belief, and to provide them with asylum protection, especially in cases where refugees are threatened by death or violence. EU Member States should step up their efforts to accept refugees persecuted on the basis of their religion or belief;

### **Support for — and engagement with — civil society**

- (o) Support for and engagement with a broad range of civil society organisations, including human rights organisations and religious and belief-based groups, while developing and implementing the Guidelines, will be of crucial importance for the promotion and protection of freedom of religion or belief, and therefore the human rights focal points in the EU delegations should maintain regular contacts with these organisations in order to be able to identify as soon as possible problems arising in the area of freedom of religion or belief in their respective countries;

### **Monitoring and assessment**

- (p) Proper and ongoing monitoring and assessment of the situation in the area of freedom of religion or belief in the world has to be ensured by the European External Action Service, under the responsibility of the High Representative of the Union for Foreign Affairs and Security Policy, and a section should continue to be dedicated to this issue in the EU's Annual report on Human Rights in the World, including recommendations for improvement; monitoring of the situation in the area of freedom of religion or belief should be one of the key issues among other human rights and

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fundamental freedoms in EU relations with third countries, especially in the context of the European Neighbourhood Policy; this should be reflected in all agreements and in reviewing and reporting documents; the EU Special Representative for Human Rights should pay particular attention to questions relating to the promotion and protection of freedom of religion or belief in the course of all his or her activities and should have a visible role in promoting this freedom through the external relations of the EU; he or she should also liaise with the European Parliament and its relevant committees on areas of concern and progress achieved and engage with relevant non-governmental organisations;

- (q) A set of instruments for the monitoring, assessment and support of the EU Guidelines should be adopted. It should focus on operational tools in order to better reflect the priority areas of action spelled out in the Guidelines and should, inter alia:
- provide a detailed situation analysis checklist to track and monitor the situation as regards the right to freedom of religion or belief in the respective country in order to identify progress/setbacks;
  - require EU Heads of Mission to report regularly on freedom of religion or belief issues, with a detailed assessment of the situation, as well as of the existence of violations of the right to freedom of religion or belief and repression against its defenders or other individuals, identifying particular cases of apparent violations of the right to freedom of religion or belief; these reports by the EU Heads of Mission should be standardised to the greatest extent possible so that they can be compared;
  - emphasise concrete action in international fora, or in development cooperation activities which have been instrumental in protecting and promoting the right to freedom of religion or belief, including the successful handling of particular cases (individuals, groups, minorities, institutions) of discrimination or persecution 'on the grounds of religion or convictions;
  - recall that the support given to victims of discrimination or persecution based on their religion or convictions can be manifold, including inviting those victims to the EU institutions to give testimony on their situation;

This set of instruments (circulaire) should be prepared in consultation with stakeholders and be ready before the end of 2013;

#### ***Use of external financial instruments***

- (r) The EU's external financial instruments should be used both as incentives and deterrents (for example, freezing funds) with regard to freedom of religion or belief in a particular country, as this forms an integral part of the assessment of the overall human rights situation in the country; in the event of a serious deterioration of the human rights situation, including that as regards freedom of religion or belief, the EU should apply the existing human rights clauses in EU external agreements with the country concerned; the use of human rights clauses in EU external agreements has to be binding and systematically integrated into all agreements of the EU with third countries;

#### ***EU action in multilateral fora***

- (s) The EU should continue its initiatives in various multilateral fora in order to promote and protect the freedom of religion or belief; when appropriate, and upon request, the EU should assist third countries in drawing up legislation promoting and protecting freedom of religion or belief;

#### ***Evaluation***

- (t) In accordance with Article 36 of the Treaty on the European Union, the European Parliament should be involved in the evaluation of the implementation of the Guidelines, which should be carried out no later than three years after the Guidelines have come into force; the evaluation should be based on an analysis of the EU response to concrete situations related to the violation of freedom of religion or belief in third countries; the European Parliament should be regularly informed of areas or developments of concern, as reported by the EU delegations; its relevant committees should receive detailed information;

2. Instructs its President to forward this recommendation to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and, for information, to the Commission.

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## II

(Information)

### INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN PARLIAMENT

P7\_TA(2013)0236

### **Request for the waiver of parliamentary immunity of Jacek Olgierd Kurski**

**European Parliament decision of 11 June 2013 on the request for waiver of the immunity of Jacek Olgierd Kurski (2013/2019(IMM))**

(2016/C 065/26)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Jacek Olgierd Kurski, forwarded on 16 January 2013 by the Public Prosecutor General of the Republic of Poland, in connection with a request dated 2 January 2013 from the Head of the Prevention Office of the National Police Headquarters acting on the authority of the Chief Inspector of Police, and announced in plenary on 4 February 2013,
  - having heard Jacek Olgierd Kurski in accordance with Rule 7(3) of its Rules of Procedure,
  - having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, 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 <sup>(1)</sup>,
  - having regard to Article 105 of the Constitution of the Republic of Poland and Articles 7, 7b(1) and 7c, in conjunction with Article 10b, of the Polish Act of 9 May 1996 on the performance of the mandate of deputy or senator,
  - having regard to Rules 6(2) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0187/2013),
- A. whereas the Public Prosecutor General of the Republic of Poland has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jacek Olgierd Kurski, in connection with possible legal action concerning an alleged offence;

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<sup>(1)</sup> 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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- B. whereas, according to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;
- C. whereas Article 105(2) of the Constitution of the Republic of Poland provides that, during the parliamentary term, Members of Parliament may not be subjected to criminal accountability without prior leave granted by Parliament;
- D. whereas Jacek Olgierd Kurski is accused of committing a traffic offence under Article 92(1) of the Act of 20 May 1971 establishing a Code of Offences (Polish Journal of Laws 2010 No 46, item 275, as amended);
- E. whereas the alleged action does not have a direct, obvious connection with Jacek Olgierd Kurski's performance of his duties as a Member of the European Parliament or constitute opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- F. whereas the accusation manifestly bears no relation to Jacek Olgierd Kurski's position as a Member of the European Parliament;
- G. whereas there is no reason to suspect the existence of a *fumus persecutionis*;
1. Decides to waive the immunity of Jacek Olgierd Kurski;
  2. Instructs its President to forward this decision and the report of its competent committee immediately to the Public Prosecutor General of the Republic of Poland and to Jacek Olgierd Kurski.

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P7\_TA(2013)0237

## **Request for the waiver of the parliamentary immunity of Małgorzata Handzlik**

**European Parliament decision of 11 June 2013 on the request for waiver of the immunity of Małgorzata Handzlik (2012/2238(IMM))**

(2016/C 065/27)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Małgorzata Handzlik, forwarded on 3 July 2012 by the Public Prosecutor of the Polish Republic in connection with Warsaw District Prosecutor's Office investigation VI DS 312/10 and announced in plenary on 10 September 2012,
- having heard Małgorzata Handzlik in accordance with Rule 7(3) of its Rules of Procedure,
- having also heard Giovanni Kessler, Director-General of the European Anti-Fraud Office, and Roger Vanhaeren, Director-General for Finance of the European Parliament,
- having regard to Article 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 <sup>(1)</sup>,
- having regard to Article 105 of the Constitution of the Republic of Poland,

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<sup>(1)</sup> 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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- having regard to Rules 6(2) and 7 of its Rules of Procedure,
- having regard to the report of the Committee on Legal Affairs (A7-0195/2013),
- A. whereas the Public Prosecutor of the Polish Republic has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Małgorzata Handzlik, in connection with an investigation and possible legal action concerning an alleged offence;
- B. whereas, under Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;
- C. whereas Article 105(2) of the Constitution of the Polish Republic provides that Members of Parliament may only be prosecuted with the Parliament's consent;
- D. whereas the request by the Public Prosecutor relates to proceedings concerning an alleged offence under the Polish Criminal Code of 6 June 1997;
- E. whereas the substantive allegation relates to the attempted infringement of Articles 270(1) and 286(1) of that code, which concern fraud and the use of forged documents respectively;
- F. whereas Małgorzata Handzlik is effectively accused of having attempted to commit fraud against the financial interests of the Union by allegedly submitting forged documents with a view to obtaining reimbursement of the costs of attending a language course which she did not in fact attend;
- G. whereas the alleged actions do not constitute opinions expressed or votes cast in the performance of the duties of the Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- H. whereas, however, given the circumstances in which the case against Małgorzata Handzlik was handled by the various authorities involved, and bearing in mind the small amount in question and the uncertain status and provenance of the evidence, there are serious doubts surrounding the procedure;
- I. whereas it therefore appears that this is a case where the existence of a *fumus persecutionis* may be assumed;
- J. whereas Ms Małgorzata Handzlik's immunity should therefore not be waived;
  1. Decides not to waive the immunity of Małgorzata Handzlik;
  2. Instructs its President to forward this decision and the report of its competent committee immediately to the Public Prosecutor of the Polish Republic and to Małgorzata Handzlik.

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P7\_TA(2013)0238

## **Request for waiver of the parliamentary immunity of Alexander Alvaro**

**European Parliament decision of 11 June 2013 on the request for waiver of the immunity of Alexander Alvaro (2013/2106(IMM))**

(2016/C 065/28)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Alexander Alvaro, forwarded on 8 May 2013 by the German Federal Ministry of Justice, in connection with a case pending before the Chief Public Prosecutor of Cologne (Germany), and announced in plenary on 23 May 2013,
- having given Alexander Alvaro the opportunity to be heard in accordance with Rule 7(3) of its Rules of Procedure,

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- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
  - having regard to Article 46 of the German Basic Law (*Grundgesetz*),
  - having regard to Rules 6(2) and 7 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A7-0188/2013),
- A. whereas the Chief Public Prosecutor of Cologne (Germany) has requested the waiver of the parliamentary immunity of Alexander Alvaro, Member and Vice-President of the European Parliament, in connection with the launch of investigative proceedings concerning an alleged offence;
- B. whereas the request by the Chief Public Prosecutor relates to investigations into a serious road traffic accident in which Alexander Alvaro was involved;
- C. whereas, according to Article 9 of the Protocol on the Privileges and Immunities of the European Union, Members shall enjoy, in the territory of their own State, the immunities accorded to members of their Parliament;
- D. whereas, under Article 46(2) of the German Basic Law (*Grundgesetz*), a Member may not be called to account for a punishable offence without the permission of Parliament unless apprehended while committing the offence or in the course of the following day;
- E. whereas, consequently, Parliament must waive the parliamentary immunity of Alexander Alvaro if the proceedings against him are to go ahead;
- F. whereas Article 9 of the Protocol on the Privileges and Immunities of the European Union and Article 46(2) of the German *Grundgesetz* do not preclude the waiver of the immunity of Alexander Alvaro;
- G. whereas it is therefore advisable that parliamentary immunity be waived in the case in question;
1. Decides to waive the immunity of Alexander Alvaro;
  2. Instructs its President to forward this decision and the report of its competent committee immediately to the appropriate authorities of the Federal Republic of Germany and to Alexander Alvaro.
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Wednesday 12 June 2013

P7\_TA(2013)0250

## Numerical strength of the standing committees

**European Parliament decision of 12 June 2013 on the numerical strength of the standing committees (2013/2671 (RSO))**

(2016/C 065/29)

*The European Parliament,*

- having regard to the proposal by the Conference of Presidents,
  - having regard to its decisions of 15 July 2009 <sup>(1)</sup>, 14 December 2011 <sup>(2)</sup> and 18 January 2012 <sup>(3)</sup> on the numerical strength of the standing committees,
  - having regard to Rule 183 of its Rules of Procedure,
1. Decides to amend the numerical strength of the standing committees as follows:
    - I. Committee on Foreign Affairs: 79 members
    - II. Committee on Development: 30 members
    - III. Committee on International Trade: 31 members
    - IV. Committee on Budgets: 45 members
    - V. Committee on Budgetary Control: 31 members
    - VI. Committee on Economic and Monetary Affairs: 50 members
    - VII. Committee on Employment and Social Affairs: 50 members
    - VIII. Committee on the Environment, Public Health and Food Safety: 71 members
    - IX. Committee on Industry, Research and Energy: 61 members
    - X. Committee on the Internal Market and Consumer Protection: 41 members
    - XI. Committee on Transport and Tourism: 47 members
    - XII. Committee on Regional Development: 50 members
    - XIII. Committee on Agriculture and Rural Development: 44 members
    - XIV. Committee on Fisheries: 25 members
    - XV. Committee on Culture and Education: 31 members
    - XVI. Committee on Legal Affairs: 25 members
    - XVII. Committee on Civil Liberties, Justice and Home Affairs: 60 members
    - XVIII. Committee on Constitutional Affairs: 26 members
    - XIX. Committee on Women's Rights and Gender Equality: 35 members
    - XX. Committee on Petitions: 35 members;
  2. Decides that this decision will enter into force on 1 July 2013;
  3. Instructs its President to forward this decision to the Council and the Commission, for information.

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<sup>(1)</sup> OJ C 224 E, 19.8.2010, p. 34.

<sup>(2)</sup> Texts adopted, P7\_TA(2011)0570.

<sup>(3)</sup> Texts adopted, P7\_TA(2012)0001.



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## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

P7\_TA(2013)0235

**Long-term plan for cod stocks and the fisheries exploiting those stocks — 1 \*\*\*I**

**European Parliament legislative resolution of 11 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (COM(2012)0021 — C7-0042/2012 — 2012/0013(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/30)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0021),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0042/2012),
  - having regard to Article 294(3) 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 Fisheries (A7-0141/2013),
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(2012)0013**

**Position of the European Parliament adopted at first reading on 11 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 <sup>(3)</sup> empowers the Council to monitor and revise the maximum fishing mortality rates and **the** associated spawning stock biomass levels **specified therein**.  
**[Am. 1]**

**[Am. 2]**

- (3) In order to amend or supplement non-essential elements of the provisions of Regulation (EC) No 1342/2008, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the following:

- changes to the established values for the maximum fishing mortality rates and associated spawning stock biomass levels, when the target fishing mortality rate has been reached;
- the rules concerning the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime;
- the rules concerning the method for calculating the fishing capacity referred to in Article 14(3) and the adjustment of the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers;
- the rules concerning the calculation method for adapting the maximum allowable fishing effort in relation to quota management;
- the rules concerning the calculation method for adapting the maximum allowable fishing effort following transfer of effort across effort groups;
- changes to the composition of the geographical areas and gear groupings established in Annex I.

- (4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission should, when preparing and drawing up delegated acts, ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

**[Am. 3]**

- (6) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1342/2008, implementing powers should be conferred on the Commission in respect of detailed rules on the procedure and format for transmitting the information required under this Regulation to the Commission, and the format of the special fishing permit and of the list of vessels holding such special permit. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers <sup>(4)</sup>.

**[Am. 4]**

<sup>(1)</sup> OJ C 181, 21.6.2012, p. 204.

<sup>(2)</sup> Position of the European Parliament of 11 June 2013.

<sup>(3)</sup> OJ L 348, 24.12.2008, p. 20.

<sup>(4)</sup> OJ L 55, 28.2.2011, p. 13.

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(8) Regulation (EC) No 1342/2008 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1342/2008 is amended as follows:

(-1) **In Article 8, paragraph 6 is replaced by the following:**

**'6. Where the cod stock referred to in paragraph 1 has been exploited at a fishing mortality rate close to 0,4 during three successive years, the Commission shall evaluate the application of this Article. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the long-term plan, in order to ensure exploitation at maximum sustainable yield.'** [Am. 5]

(1) **In Article 10, paragraph 1 is replaced by the following:**

**'1. The Commission shall adopt delegated acts, in accordance with Article 31a, fixing new values for the levels set out in Article 5(2), Article 6 and Article 7(2), when the target fishing mortality rate set out in Article 5(2) has been reached or where the Commission, on the basis of advice from STECF and, where appropriate, other scientific data, and after consulting fully with the relevant Regional Advisory Council, finds that that target, or the minimum and precautionary spawning biomass levels established in Article 6, or the levels of fishing mortality rates given in Article 7(2), are no longer appropriate in order to maintain a low risk of stock depletion and a maximum sustainable yield.'** [Am. 6]

(2) Article 11 is amended as follows:

(a) Paragraph 3 is replaced by the following:

**'3. Member States shall provide annually appropriate information to the Commission to establish that the above conditions are and remain fulfilled.'**

(b) The following paragraphs are added:

**'4. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the adjustment of the fishing effort where a group of vessels is excluded from or re-included in the effort regime pursuant to Article 11(2) and where a vessel no longer complies with the requirements specified in the decision on exclusion.**

**5. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 11(3). Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'**

(2a) **In Article 13, paragraph 7 is replaced by the following:**

**'7. The Commission shall request STECF to compare annually the reduction in cod mortality which would result from the application of point (c) of paragraph 2 with the reduction it would have expected to occur as a result of the effort adjustment referred to in Article 12(4). In light of this advice, the Commission shall, where necessary, make appropriate proposals for the adjustment to the fishing effort that may be applied for the relevant gear grouping the following year.'** [Am. 7]

(3) In Article 14 the following paragraph is added:

**'5. Member States shall keep the Commission informed of the basis for calculating the maximum fishing capacity referred to in paragraph 3 and of any adjustments due to permanent cessation of fishing activities and capacity transfers pursuant to Article 16(3).'**

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(4) The following article is inserted:

'Article 14a

Commission's powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a in order to specify the rules concerning the method for calculating the fishing capacity referred to in Article 14(3) and adjusting the maximum capacity levels due to permanent cessation of fishing activities and capacity transfers pursuant to Article 16 (3).

2. The Commission may adopt implementing acts laying down detailed rules concerning the following:

(a) the format of the special fishing permit referred to in Article 14(2) and the procedures whereby the Member States make available the list of vessels holding that special permit as referred to in Article 14(4);

(b) the procedure and format for transmitting to the Commission the information referred to in Article 14(5).

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(5) In Article 16 the following paragraphs are inserted:

'4. Member States shall keep the Commission informed of any adaptations of effort in accordance with this Article.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the calculation method enabling Member States to adapt the maximum allowable fishing effort in relation to quota management.

6. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 4. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(6) In Article 17 the following paragraphs are inserted:

'6. Member States shall keep the Commission informed of any adaptations of effort in accordance with this Article.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 31a to lay down rules concerning the calculation method enabling Member States to adapt the maximum allowable fishing effort following transfer of effort across effort groups.

8. The Commission may adopt implementing acts laying down detailed rules concerning the procedure and format for the transmission of the information referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32(2).'

(7) Article 30 is replaced by the following:

'Article 30

Decision-making procedure

Where this Regulation provides for decisions to be taken by the Council, the Council shall act in accordance with the Treaty.'

(8) In Article 31, the introductory phrase is replaced by the following:

'The Commission shall be empowered to adopt delegated acts, in accordance with Article 31a, to amend Annex I to this Regulation on the basis of the following principles.'

(9) The following article is inserted:

'Article 31a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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2. The power **to adopt delegated acts** referred to in **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) and Article 31** shall be conferred **on the Commission** for a period of **three 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 three-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.** [Am. 8]

3. The delegation of **power** referred to in **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) and Article 31** 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. [Am. not concerning all languages]

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to **Article 10(1), Article 11(4), Article 14a(1), Article 16(5), Article 17(7) or Article 31** 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 **of the Council**. [Am. not concerning all languages]

(\*) **Date of entry into force of this Regulation.**

(10) Article 32 is replaced by the following:

'Article 32

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (\*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(\*) OJ L 55, 28.2.2011, p. 13.

(11) Article 34 is replaced by the following:

'Article 34

Review

1. **The Commission shall, on the basis of advice from STECF and after consultation of the relevant Regional Advisory Council, evaluate the impact of the management measures on the cod stocks concerned and the fisheries on those stocks, at the latest in the third year of application of this Regulation and then each third successive year of its application. Where necessary, the Commission shall make appropriate proposals, for adoption in accordance with the ordinary legislative procedure, for the amendment of the long-term plan.**

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**2. Paragraph 1 shall be without prejudice to the delegation of power in this Regulation.**' [Am. 11]

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

P7\_TA(2013)0241

**Customs enforcement of intellectual property rights \*\*\*II**

**European Parliament legislative resolution of 11 June 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (06353/1/2013 — C7-0142/2013 — 2011/0137(COD))**

**(Ordinary legislative procedure: second reading)**

(2016/C 065/31)

*The European Parliament,*

- having regard to the Council position at first reading (06353/1/2013 — C7-0142/2013),
  - having regard to its position at first reading <sup>(1)</sup> on the Commission proposal to Parliament and the Council (COM(2011) 0285),
  - 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 the Internal Market and Consumer Protection (A7-0185/2013),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

<sup>(1)</sup> Texts adopted of 3.7.2012, P7\_TA(2012)0272.

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P7\_TA(2013)0242

**Food intended for infants and young children and food for special medical purposes \*\*\*II**

**European Parliament legislative resolution of 11 June 2013 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 food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (05394/1/2013 — C7-0133/2013 — 2011/0156(COD))**

**(Ordinary legislative procedure: second reading)**

(2016/C 065/32)

*The European Parliament,*

- having regard to the Council position at first reading (05394/1/2013 — C7-0133/2013),
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Italian Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 26 October 2011<sup>(1)</sup>,
  - having regard to the Communication from the Commission to the European Parliament pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council at first reading (COM(2013)0241),
  - having regard to its position at first reading<sup>(2)</sup> on the Commission proposal to Parliament and the Council (COM(2011)0353),
  - 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 the Environment, Public Health and Food Safety (A7-0191/2013),
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.

<sup>(1)</sup> OJ C 24, 28.1.2012, p. 119.

<sup>(2)</sup> Texts adopted of 14.6.2012, P7\_TA(2012)0255.

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ANNEX TO THE LEGISLATIVE RESOLUTION

*Statement by the Commission on pesticides*

In implementing Article 11(1)(b), the Commission will pay particular attention to pesticides containing active substances, safeners or synergists classified in accordance with Regulation (EC) No 1272/2008<sup>(1)</sup> as mutagen category 1A or 1B, carcinogen category 1A or 1B, toxic for reproduction category 1A or 1B, or considered to have endocrine disrupting properties that may cause adverse effects in humans, or which are very toxic, or which cause critical effects such as developmental neurotoxic or immunotoxic effects, with the objective to ultimately avoid their use.

P7\_TA(2013)0243

**Health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) \*\*\*I**

**European Parliament legislative resolution of 11 June 2013 on the proposal for a directive of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (XXth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (COM(2011)0348 — C7-0191/2011 — 2011/0152(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/33)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0348),
- having regard to Article 294(2) and Article 153(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0191/2011),
- 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 7 December 2011<sup>(1)</sup>,
- having consulted the Committee of the Regions,
- having regard to the undertaking given by the Council representative by letter of 10 April 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 Employment and Social Affairs and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0009/2013),

1. Adopts the position at first reading hereinafter set out;

<sup>(1)</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, OJ L 353, 31.12.2008, p. 1.

<sup>(1)</sup> OJ C 43, 15.2.2012, p. 47.



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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.

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#### P7\_TC1-COD(2011)0152

**Position of the European Parliament adopted at first reading on 11 June 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (20th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) and repealing Directive 2004/40/EC**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2013/35/EU.)*

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P7\_TA(2013)0244

#### **Long-term plan for cod stocks and the fisheries exploiting those stocks — 2 \*\*\*I**

**European Parliament legislative resolution of 11 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks (COM(2012)0498 — C7-0290/2012 — 2012/0236(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/34)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0498),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0290/2012),
  - 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 13 December 2012 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0146/2013),
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.

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<sup>(1)</sup> OJ C 44, 15.2.2013, p. 125.

Tuesday 11 June 2013

## P7\_TC1-COD(2012)0236

**Position of the European Parliament adopted at first reading on 11 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) The scientific evaluation of the performance of Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks <sup>(3)</sup> carried out by the Scientific, Technical and Economic Committee for Fisheries (STECF) has shown a number of problems with the application of that Regulation.
- (2) Member States have used different methodologies to calculate effort during the reference years and to calculate reported effort consumption within the plan. This has allowed a higher level of deployed effort than intended by the plan, which should therefore be rectified **by standardising the methodologies used by the Member States to calculate effort**. [Am. 1]
- (3) The lack of analytical assessments in some geographical areas precludes the application of the harvest control rules, resulting in an automatic 25 % annual reduction of total allowable catches ("TAC") and effort. Since the implementation of the plan, fishing-effort allocations for the areas concerned have been reduced significantly. The scientific evaluation carried out by the STECF suggests that in some cases it would be more appropriate to use metrics other than fishing mortality for setting the TAC, rather than automatic TAC and effort reductions.
- (3a) **Maintaining fishing mortality rates at a sustainable level, based on scientific advice, should allow fish stocks to recover. Member States should give priority to the development and promotion of measures and incentives that aim to avoid unwanted catches. Financial support should be provided for the use of selective gear measures.** [Am. 2]
- (4) The plan foresees scope to exclude vessels whose activities do not contribute significantly to cod mortality. To avoid that the effort associated with those activities is redirected to cod-fishing activity, the baseline effort has to be decreased. To avoid the administrative burden of constant recalculations of the baseline effort each time it is decided to exclude certain activities, it is desirable to establish clear criteria for exclusion, so that the baseline effort levels can be fixed definitively.
- (5) In order to facilitate more selective fishing activities in the fully documented fisheries where all catches are counted against quota, it is appropriate to exempt the vessels, when participating in those trials, from the fishing effort regime.

<sup>(1)</sup> OJ C 44, 15.2.2013, p. 125.

<sup>(2)</sup> Position of the European Parliament of 11 June 2013.

<sup>(3)</sup> OJ L 348, 24.12.2008, p. 20.

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- (6) Allocations of the maximum allowable fishing effort have been significantly reduced for the main cod catching gears since the entry into force of the plan. This may have a significant economic and social impact on the fleet segments that use the same gears but which fish principally for species other than cod. To address those social and economic issues a mechanism to suspend further fishing effort adjustments should be introduced.
- (7) As a certain language version of Article 13(2)(b) reads differently from the other versions, it is necessary to amend the text of that provision in order to ensure its uniform application.
- (8) Given the high levels of cod discards that have been observed during the period of implementation of the plan, it is necessary that Member States take appropriate action to minimise **and, where possible, eliminate** discards, *inter alia* by allocating their fishing opportunities amongst vessels in such a way as to match quotas to expected catches to the greatest degree possible. [Am. 3]
- (9) The derogations from the plan provided for by Articles 11 and 13 represent a risk for the success of the plan if they are not properly implemented. An assessment of the implementation of those derogations revealed the need to strengthen the monitoring, control and full documentation requirements which justify them. Considering that the Union fisheries control framework is risk based, a specific 'very high level' of risk should be assigned to activities under derogations.
- (10) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy<sup>(1)</sup> repealed a number of Articles of Regulation (EC) No 1342/2008 that referred to Annexes II and III. Since there are no other references to Annexes II and III in Regulation (EC) No 1342/2008, those Annexes should be deleted.
- (11) Regulation (EC) No 1342/2008 should be amended accordingly,

HAVE ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1342/2008 is amended as follows:

- (1) Article 4 is replaced by the following:

'Article 4

Calculation of fishing effort

1. For the purposes of this Regulation, the fishing effort deployed by a group of vessels shall be calculated as the sum of the products of capacity-values in kW for each vessel and the number of days each vessel has been present within an area set out in Annex I. A day present within an area shall be any continuous period of 24 hours or part thereof during which a vessel **either** is present within the area and absent from port **or, as the case may be, has its fishing gear deployed within the area.** [Am. 4]

2. **Member States shall calculate days** present within an area in **accordance with Article 26 of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy** (\*).

(\* ) OJ L 343, 22.12.2009, p. 1. [Am. 5]

- (1a) In Article 8, the following paragraph is inserted:

'5a. Notwithstanding paragraphs 2 to 5, the Council may decide on an alternative TAC level when scientific advice indicates that that level would be more appropriate to meet the objectives of the plan.' [Am. 6]

- (2) Article 9 is replaced by the following:

'Article 9

Special procedure for setting TACs

1. Where there is insufficient information to set the TACs in accordance with Article 7, the TACs for cod stocks in the Kattegat, the west of Scotland and the Irish Sea shall be set at a level indicated by scientific advice. However, if the level indicated by scientific advice is more than 20 % greater than the TACs in the previous year, they shall be set at a level 20 % greater than the TACs in the previous year, or if the level indicated by scientific advice is more than **20 %** less than the TACs in the previous year they shall be set at a level **20 %** less than the TACs in the previous year.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

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2. **By way of derogation from paragraph 1, where scientific advice indicates that there should be no directed fisheries and that:**

(i) **by-catch should be minimised or reduced to the level advised by STECF or ICES, and/or**

(ii) **the catches of cod should be reduced to the level advised by STECF or ICES,**

**the Council shall decide not to apply annual adjustments to the TAC in the subsequent year on condition that the TAC set is for by-catch only. [Am. 7]**

3. Where there is insufficient information to set the TACs in accordance with Article 8, the TACs for the cod stock in the North Sea, the Skagerrak and the eastern Channel shall be set by applying *mutatis mutandis* paragraphs 1 and 2 of this Article, unless consultations with Norway result in agreement on a different level of the TAC.'

(3) In Article 11, paragraphs 2 and 3 are deleted.

(4) The following articles are inserted:

'Article 11a

Exclusion of fishing effort deployed in certain areas, depth or by certain gears

1. Fishing effort deployed by a vessel during a trip may be excluded by the Member States **for as long as one of the following conditions is met: [Am. 9]**

(a) the entire fishing activity of that trip by the vessel concerned is carried out outside cod-distribution areas as listed in accordance with paragraph 2;

or

(b) the entire fishing activity of that trip by the vessel concerned is carried out at a depth greater than 300 m;

or

(c) during that trip the fishing vessel concerned **uses one type of regulated gear on board and that gear is listed in accordance with paragraph 2; if the vessel carries other gear on board during the fishing trip, it shall be stowed in accordance with Article 47 of Regulation (EC) No 1224/2009. [Am. 10]**

2. Based on the information provided by Member States pursuant to paragraph 3, and in accordance with scientific advice, the Council shall establish a list of areas outside cod-distribution areas and a list of gears the technical attributes of which result in cod catches of less than 1,5 % of the total catches measured by weight. **Once a gear or area, submitted by a Member State, is approved, it shall be possible for other Member States to use it. [Am. 11]**

3. Member States shall provide appropriate information to allow the Commission to assess whether an area or a gear shall be on the list of areas and the list of gears referred to in paragraph 2.

4. The Commission may adopt implementing acts laying down detailed rules concerning the format and procedure for the transmission to the Commission of the information referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32.

Article 11b

Adjustment of the baseline for the calculation of the maximum allowable fishing effort

1. Fishing effort referred to in Article 11a(1) that contributed to the establishment of the baseline referred to in Article 12(2)(a) shall be deducted from the baseline pursuant to this Article.

2. Requests for the adjustment of the baseline referred to in paragraph 1 shall be submitted by Member States to the Commission by **31 December of each year. [Am. 12]**

3. The adjusted baseline shall be used to recalculate the maximum allowable fishing effort level for the effort group concerned by applying the annual percentage adjustments applied since the entry into force of the plan.

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4. The exclusion of fishing effort referred to in Article 11a may be applied to the relevant effort group only after the maximum allowable fishing effort has been recalculated in accordance with this Article.

5. The Commission may adopt implementing acts laying down detailed rules concerning the format and procedure for the transmission to the Commission of the requests referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32.

Article 11c

Exclusion of vessels participating in trials of a fully documented fishery

1. Fishing effort deployed by a vessel when participating in trials of a fully documented fishery whereby all cod catches including discards are counted against the quota may be excluded by the Member States from the fishing effort regime.

2. When paragraph 1 is applied, Member States shall adjust the maximum allowable fishing effort set pursuant to Article 12(1) for the effort group concerned ***The Commission shall adopt implementing acts laying down detailed rules concerning the adjustment of the maximum allowable fishing effort referred to in the first sentence. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32.*** [Am. 13]

3. Member States shall notify to the Commission any adjustment of the maximum allowable fishing effort made pursuant to paragraph 2. The notification shall include details of the vessels excluded and the amount of fishing effort deducted both at aggregated and at vessel level.

[Am. 14]

5. The Commission may adopt implementing acts laying down detailed rules concerning the format and procedure for the notification referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 32.

Article 11d

Measures on exclusions ***previously obtained*** [Am. 15]

Exclusions from the fishing effort regime that were already in force prior to ... (\*) shall continue to apply for as long as the conditions under which those exclusions were granted remain fulfilled. Member States shall provide annually to the Commission any relevant information enabling it to establish that those conditions remain fulfilled.' [Am. 16]

(\*) ***Date of entry into force of this Regulation.***

(5) Article 12 is amended as follows:

(a) Paragraph 4 is replaced by the following:

'4. For aggregated effort groups where the percentage cumulative catch calculated according to paragraph 3(d) is equal to or exceeds 20 %, annual adjustments shall apply. The maximum allowable fishing effort of the groups concerned shall be calculated as follows:

- (a) where Articles 7 or 8 apply, by applying to the baseline the same percentage adjustment as that set out in those Articles for fishing mortality;
- (b) where **Article 9** applies, by applying the same percentage adjustment in fishing effort as the adjustment of the TAC compared with the previous year.

' [Am. 17]

(b) The following paragraph is added:

'6. By way of derogation from paragraph 4, the Council may, where the maximum allowable fishing effort has been reduced for four consecutive years, decide not to apply an annual adjustment to the maximum allowable fishing effort in the subsequent year or in subsequent years.'

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(5a) *The following article is inserted:*

**'Article 12a**

***In order to obtain sustainable fishing mortality rates, based on scientific advice, a gradual elimination of discards shall be implemented. Selective gears and other measures for this purpose shall be introduced by Member States with financial support from the European Maritime and Fisheries Fund. Member States shall consult the relevant Regional Advisory Council as well as ICES and/or STEFC and relevant stakeholders on the measures to be adopted.'* [Ams 8 and 18]**

(6) In Article 13(2), point (b) is replaced by the following:

'(b) results in a catch composition, including discards, of less than 5 % cod over the management period'.

(7) In Article 14 the following paragraphs are added:

'5. Where the scientific data indicate that, for a particular **gear, large volumes of cod are discarded throughout the management period**, the Member State concerned shall take immediate measures to minimise cod discards. [Am. 19]

6. Member States shall establish and include in their national control action programmes, as provided for in Article 46 of Regulation (EC) No 1224/2009, systems to ensure compliance with the conditions referred to in Articles 11a, 11b, 11c and 13. Member States shall assign a "very high risk" level to vessels operating pursuant to those Articles in their risk-based management as referred to in Article 5 of Regulation (EC) No 1224/2009.'

(7a) *In Article 16(3), the words 'in 2009' are deleted.* [Am. 20]

(7b) *In Article 17, paragraph 4 is replaced by the following:*

**'4. Where the cpue of the donor gear group is lower than the cpue of the receiving gear group, the Member State shall apply a correction factor to the amount of effort in the receiving gear group so that the latter's higher cpue is compensated for. The Member States shall not perform this adjustment where they can demonstrate that the transfer is made with the aim of avoiding cod catches or limiting discards in compliance with Union legislation on the use of fishing gear.'** [Am. 21]

(8) Article 32 is replaced by the following:

'Article 32

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (\*).

(\*) OJ L 55, 28.2.2011, p. 13.'

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(9) Annexes II and III are deleted.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament

The President

For the Council

The President

Wednesday 12 June 2013

P7\_TA(2013)0249

**Appointment of a Member of the European Commission****European Parliament decision of 12 June 2013 approving the appointment of Neven Mimica as a Member of the Commission (2013/0806(NLE))**

(2016/C 065/35)

*The European Parliament,*

- having regard to the Act of accession of Croatia, and in particular Article 21(1) thereof,
  - having regard to the proposal submitted by the Croatian Government on 25 April 2013, with a view to the appointment of Neven Mimica as a Member of the Commission,
  - having regard to the Council's letter of 2 May 2013, whereby the Council consulted Parliament on a decision, to be taken by common accord with the President of the Commission, on the appointment of Neven Mimica as a Member of the Commission,
  - having regard to the hearing of Neven Mimica on 4 June 2013, led by the Committee on the Internal Market and Consumer Protection with the association of the Committee on the Environment, Public Health and Food Safety, and to the statement of evaluation drawn up following that hearing;
  - having regard to Rule 106 of, and Annex XVII to, its Rules of Procedure,
1. Approves the appointment of Neven Mimica as a Member of the Commission for the remainder of the Commission's term of office until 31 October 2014;
  2. Instructs its President to forward this decision to the Council, the Commission and the governments and parliaments of the Member States and the Republic of Croatia.

P7\_TA(2013)0251

**Appointment of a member of the Court of Auditors****European Parliament decision of 12 June 2013 on the nomination of Neven Mates as a Member of the Court of Auditors (C7-0106/2013 — 2013/0804(NLE))****(Consultation)**

(2016/C 065/36)

*The European Parliament,*

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0106/2013),
  - having regard to Rule 108 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A7-0182/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
  - B. whereas at its meeting of 27 May 2013, the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;

Wednesday 12 June 2013

1. Delivers a negative opinion on the Council's nomination of Neven Mates as a Member of the Court of Auditors;
2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.

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P7\_TA(2013)0252

### **Appointment of a member of the Court of Auditors**

**European Parliament decision of 12 June 2013 on the nomination of George Pufan as a Member of the Court of Auditors (C7-0115/2013 — 2013/0805(NLE))**

**(Consultation)**

(2016/C 065/37)

*The European Parliament,*

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0115/2013),
  - having regard to Rule 108 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A7-0181/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 27 May 2013, the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of George Pufan as a Member of the Court of Auditors;
  2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.

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P7\_TA(2013)0253

### **Illegal, unreported and unregulated fishing \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (COM(2012)0332 — C7-0158/2012 — 2012/0162(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/38)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0332),
- having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0158/2012),



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- 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 18 September 2012 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A7-0144/2013),
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(2012)0162**

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee of 18 September 2012 <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing <sup>(3)</sup> confers powers upon the Commission in order to implement some of the provisions of that Regulation and reserves certain implementing powers to the Council.
- (2) As a consequence of the entry into force of the Lisbon Treaty, certain powers conferred under Regulation (EC) No 1005/2008 need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union.
- (3) In order to apply some of the provisions of Regulation (EC) No 1005/2008, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the following:
  - the exemption from certain information requirements imposed on fishing vessels or the establishment of different notification periods for certain categories of fishing vessels,
  - the establishment of benchmarks for inspections of landing and transshipment operations by third country fishing vessels,

<sup>(1)</sup> OJ C 351, 15.11.2012, p. 90.

<sup>(1)</sup> OJ C 351, 15.11.2012, p. 90.

<sup>(2)</sup> Position of the European Parliament of 12 June 2013.

<sup>(3)</sup> OJ L 286, 29.10.2008, p. 1.

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- the establishment of the list of products excluded from the scope of implementation of the catch certificate,
  - the adaptation of the catch certification scheme for some fishery products obtained by small fishing vessels, including the possibility of using a simplified catch certificate,
  - the adaptation of the deadline for submitting the catch certificate, on the basis of the type of fishery product, the distance to the place of entry into the territory of the Union or the transport means used,
  - the establishment of rules for the granting, amendment or withdrawal of approved economic operators' certificates or for the suspension or revocation of the status of approved economic operator and on the conditions of validity of approved economic operators' certificates, and
  - the establishment of Union criteria for verifications in the context of risk management.
- (4) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level, **so that it has objective, rigorous, complete and up-to-date information**. 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**. [**Am. 1**]
- (5) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1005/2008 implementing powers should be conferred upon the Commission in accordance with Article 291 of the Treaty on the Functioning of the European Union in respect of the following:
- the establishment of prior notification forms,
  - the establishment of landing and transshipment declaration procedures and forms,
  - the adoption, in agreement with flag States, of catch certificates established, validated or submitted by electronic means or based on electronic traceability systems ensuring the same level of control by authorities,
  - the determination and modification of the list of catch certification schemes adopted by regional fisheries management organisations complying with the EU IUU Regulation,
  - the establishment of common conditions in all Member States for procedures and forms on the application for and issuing of approved economic operators' certificates, of rules on verifications of approved economic operator and of rules on the exchange of information between the approved economic operator and the authorities in the Member States, between the Member States and between Member States and the Commission,
  - the establishment of the Union IUU vessel list,
  - the removal of vessels from the Union IUU vessel list,
  - the inclusion of IUU vessel lists adopted by regional fisheries management organisations in the Union IUU vessel list,
  - the identification of non-cooperating third countries,
  - the inclusion of identified third countries on a list of non cooperating third countries,
  - the removal of third countries from the list of non-cooperating third countries,
  - the adoption of emergency measures towards third countries in specific circumstances,
  - the determination of the format for submission by Member States of the information regarding sighted fishing vessels, and
  - the establishment of rules on mutual assistance.

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Where the control of Member States is required, those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers <sup>(1)</sup>.

- (6) As a consequence of the entry into force of the Lisbon Treaty, Article 52 needs to be deleted. This Article was already used for the establishment of the legal framework for the simplified catch certificate and for the establishment of administrative arrangements with third countries under Article 12(4) and 20(4). It is still needed to provide the necessary powers to the Commission to adopt delegated acts for the adaptation of the catch certification scheme for some fishery products obtained by small fishing vessels, including the possibility of using a simplified catch certificate and implementing powers for the adoption by the Commission, in agreement with flag States, of catch certificates that are established, validated and submitted by electronic means or replaced by electronic traceability systems ensuring the same level of control by authorities.
- (7) As a consequence of the entry into force of the Lisbon Treaty, the provision on temporary measures which provides for the referral of certain Commission measures to the Council under certain conditions needs to be adapted.
- (8) The provisions of Regulation (EC) No 1005/2008 concerning the establishment of a list of non-cooperating third countries and the removal of third countries from that list confer decision-making powers upon Council. As a consequence of the entry into force of the Lisbon Treaty those provisions need to be brought into line with the new procedures applicable to the common fisheries policy.
- (9) Regulation (EC) No 1005/2008 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

#### Article 1

Regulation (EC) No 1005/2008 is amended as follows:

- (1) Article 6 is amended as follows:

- (a) the following paragraph is added:

'1a. The Commission may establish the form for prior notification referred to in paragraph 1 above by means of implementing acts in accordance with the examination procedure referred to in Article 54(2).';

- (b) paragraph 3 is replaced by the following:

'3. The Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts exempting certain categories of third country fishing vessels from the obligation stipulated in paragraph 1 for a limited and renewable period, or making provision for another notification period taking into account, inter alia, the type of fishery product, the distance between the fishing grounds, landing places and ports where the vessels in question are registered or listed.';

- (2) in Article 8, paragraph 3 is replaced by the following:

'3. Landing and transshipment declaration procedures and forms shall be determined by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).';

- (3) in Article 9, paragraph 1 is replaced by the following:

'1. Member States shall carry out inspections in their designated ports of at least 5 % of landing and transshipment operations by third country fishing vessels each year, in accordance with the benchmarks determined on the basis of risk management, without prejudice to the higher thresholds adopted by regional fisheries management organisations. The Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts determining those benchmarks.';

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<sup>(1)</sup> OJ L 55, 28.2.2011, p. 13.

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(4) Article 12 is amended as follows:

(a) the following paragraph is added:

'4a. The Commission shall, by means of implementing acts, adopt the catch certificates established in the framework of the cooperation set out in Article 20(4). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).';

(b) paragraph 5 is replaced by the following:

'5. The list in Annex I of the products excluded from the scope of implementation of the catch certificate may be reviewed each year. The Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts amending the list on the basis of:

(a) the inspections of third country fishing vessels in Member States ports;

(b) the implementation of catch certification scheme for importation and exportation of fishery products;

(c) the implementation of the Union alert system;

(d) the identification of fishing vessels engaged in IUU fishing;

(e) the identification of nationals supporting or engaged in IUU fishing;

(f) the implementation of provisions adopted within certain regional fisheries management organisations pertaining to fishing vessels sightings;

(g) the reports from Member States.';

(c) the following paragraph is added:

'6. The Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts adapting the catch certification scheme to fishery products obtained by small fishing vessels including, if necessary, a specimen for simplified catch certificate.';

(5) in Article 13, paragraph 1 is replaced by the following:

'1. Catch documents, and any related documents, validated in conformity with catch documentation schemes adopted by a regional fisheries management organisation which are recognised as complying with the requirements laid down in this Regulation, shall be accepted as catch certificates in respect of the fishery products from species to which such catch documentation schemes apply and shall be subject to the check and verification requirements incumbent upon the Member State of importation in accordance with Articles 16 and 17 and to the provisions on refusal of importation laid down in Article 18. The list of such catch documentation schemes shall be determined by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).';

(6) Article 16 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The validated catch certificate shall be submitted by the importer to the competent authorities of the Member State in which the product is intended to be imported within a deadline initially set at least three working days before the estimated time of arrival at the place of entry into the territory of the Union. Such deadline of three working days may be adapted, by means of delegated acts adopted in accordance with Article 54a, according to the type of fishery product, the distance to the place of entry into the territory of the Union or the transport means used. Those competent authorities shall, on the basis of risk management, check the catch certificate in the light of the information provided in the notification received from the flag State in accordance with Articles 20 and 22.';

(b) paragraph 3 is replaced by the following:

'3. The criteria for granting the status of approved economic operator to an importer by the competent authorities of a Member State shall include:

(a) the establishment of the importer on the territory of that Member State;

(b) a sufficient number and volume of import operations to justify the implementation of the procedure referred to in paragraph 2;

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- (c) an appropriate record of compliance with the requirements of conservation and management measures;
- (d) a satisfactory system of managing commercial and, where appropriate, transport and processing records, which enables the appropriate checks and verifications to be carried out for the purposes of this Regulation;
- (e) the existence of facilities with regard to the conduct of those checks and verifications;
- (f) where appropriate, practical standards of competence or professional qualifications directly related to the activities carried out; and
- (g) where appropriate, proven financial solvency.

Member States shall communicate to the Commission the name and address of the approved economic operators as soon as possible after having granted this status. The Commission shall make available this information to the Member States by electronic means.;

- (c) the following paragraphs are added:

‘4. On the basis of the criteria set out in paragraph 3, the Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts establishing:

- (a) rules on the suspension or revocation of the status of approved economic operator,
- (b) rules on the conditions of validity of approved economic operators’ certificates,
- (c) rules on the granting, amendment or withdrawal of approved economic operators’ certificates.

5. The Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 54(2) concerning:

- (a) procedures and forms on the application for and issuing of approved economic operators’ certificates,
- (b) rules on how to carry out verifications of approved economic operators,
- (c) rules on the exchange of information between the approved economic operator and the authorities in the Member States, between the Member States and between Member States and the Commission.;

- (7) in Article 17, paragraph 3 is replaced by the following:

‘3. Verifications shall be focused towards risk identified on the basis of criteria developed at national or Union level under risk management. Member States shall notify to the Commission their national criteria within 30 working days after 29 October 2008 and update this information. The Commission shall be empowered, in accordance with Article 54a, to adopt delegated acts determining the Union criteria to allow timely risk analyses and global assessment of relevant control information.;

- (8) in Article 27, paragraph 1 is replaced by the following:

‘1. The Commission shall establish a Union IUU vessel list by means of implementing acts adopted in accordance with the examination procedure referred to in Article 54(2). The list shall include the fishing vessels in relation to which, further to the measures taken pursuant to Articles 25 and 26 and on the basis of the criteria contained in the same provisions, the information obtained in accordance with this Regulation establishes that they are engaged in IUU fishing as referred to in Article 3 and whose flag States have not complied with the official requests referred to in Article 26(2)(b) and (c) and Article 26(3)(b) and (c), in response to such IUU fishing.;

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(9) in Article 28, paragraph 1 is replaced by the following:

‘1. The Commission shall remove a fishing vessel from the Union IUU vessel list, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 54(2), if the fishing vessel’s flag State demonstrates that:

- (a) the vessel did not engage in any of the IUU fishing activities for which it was placed on the list; or
- (b) proportionate, dissuasive and effective sanctions have been applied in response to the IUU fishing activities in question, notably for the fishing vessels flying the flag of a Member State in accordance with Regulation (EC) No 1224/2009.’;

(10) in Article 30, paragraph 1 is replaced by the following:

‘1. In addition to the fishing vessels referred to in Article 27, fishing vessels included in the IUU vessel lists adopted by regional fisheries management organisations shall be included in the Union IUU vessel list by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2). Removal of such vessels from the Union IUU vessel list shall be governed by the decisions taken with regard to them by the relevant regional fisheries management organisation.’;

(11) in Article 31, paragraph 1 is replaced by the following:

‘1. The Commission shall, by means of implementing acts, identify the third countries that it considers as non-cooperating third countries in fighting IUU fishing on the basis of the criteria listed in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).’;

(12) in Article 33, paragraph 1 is replaced by the following:

‘1. The Commission shall, by means of implementing acts, include the third countries identified in accordance with Article 31(1) on a list of non cooperating third countries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).’;

(13) in Article 34, paragraph 1 is replaced by the following:

‘1. The Commission shall, by means of implementing acts, remove a third country from the list of non-cooperating third countries if the third country concerned demonstrates that the situation that warranted its listing has been rectified. A removal decision shall also take into consideration whether the identified third countries concerned have taken concrete measures capable of achieving a lasting improvement of the situation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).’;

(14) Article 36 is replaced by the following

‘Article 36

Temporary measures

1. If there is evidence that the measures adopted by a third country undermine the conservation and management measures adopted by a regional fisheries management organisation, the Commission may establish, by means of implementing acts and in line with its international obligations, temporary measures lasting no more than six months to alleviate the effects of such third country measures. The Commission may take a new decision to extend those temporary measures for no more than six months.

2. The temporary measures referred to in paragraph 1 may provide that:

- (a) fishing vessels authorised to fish and flying the flag of the third country concerned shall not be granted access to the ports of Member States, except in case of force majeure or distress as referred to in Article 4(2) for services strictly necessary to remedy those situations;
- (b) fishing vessels flying the flag of a Member State shall not be authorised to engage in joint fishing operations with vessels flying the flag of the third country concerned;

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- (c) fishing vessels flying the flag of a Member State shall not be authorised to fish in maritime waters under the jurisdiction of the third country concerned, without prejudice to the provisions set out in bilateral fishing agreements;
- (d) provision of live fish for fish farming in maritime waters under the jurisdiction of the third country concerned shall not be authorised;
- (e) live fish caught by fishing vessels flying the flag of the third country concerned shall not be accepted for the purposes of fish farming in maritime waters under the jurisdiction of a Member State.

3. Temporary measures shall have immediate effect. They shall be notified to the Member States and to the third country concerned and published in the *Official Journal of the European Union*.;

(15) in Article 49, paragraph 1 is replaced by the following:

‘1. Member States which obtain suitably documented information regarding sighted fishing vessels shall transmit this information without delay to the Commission or to the body designated by it with the format determined by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 54(2).’;

(16) in Article 51, paragraph 3 is replaced by the following:

‘3. The Commission shall be empowered to adopt, by means of implementing acts, rules on mutual assistance concerning:

- (a) administrative cooperation between Member States, third countries, the Commission and the body designated by it, including protection of personal data and use of information and protection of professional and commercial secrecy,
- (b) costs of executing a requests for assistance,
- (c) designation of Member States’ single authority,
- (d) communication of follow-up measures taken by national authorities further to exchange of information,
- (e) request for assistance, including requests for information, requests for measures and requests for administrative notifications and establishing deadlines for replies,
- (f) information without prior request and
- (g) Member States’ relations with the Commission and with thrid countries.

Those implementing acts shall be adopted in accordance with the the examination procedure referred to in Article 54 (2).’;

(17) Article 52 is deleted.

(18) Article 54 is replaced by the following:

‘Article 54

Committee procedure

1. The Commission shall be assisted by the Committee for fisheries and aquaculture established by Article 30 of Regulation (EC) No 2371/2002. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;

(19) the following Article is inserted:

‘Article 54a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

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2. The **power to adopt delegated acts** referred to in Articles 6(3), 9(1), 12(5), 12(6), 16(1), 16(4) and 17(3) shall be conferred **on the Commission** for a period of **three years from ...** <sup>(1)</sup>. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the three-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.** [Am. 2]

3. The delegation of power referred to in Articles 6(3), 9(1), 12(5), 12(6), 16(1), 16(4) and 17(3) 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.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 6(3), 9(1), 12(5), 12(6), 16(1), 16(4) and 17(3) 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 of the Council.

<sup>(1)</sup> ***Date of the entry into force of this Regulation.***

#### Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament  
The President

For the Council  
The President

P7\_TA(2013)0254

### **Standards for the reception of applicants for international protection (recast) \*\*\*II**

**European Parliament legislative resolution of 12 June 2013 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (14654/2/2012 — C7-0165/2013 — 2008/0244(COD))**

**(Ordinary legislative procedure: second reading)**

(2016/C 065/39)

The European Parliament,

— having regard to the Council position at first reading (14654/2/2012 — C7-0165/2013),



Wednesday 12 June 2013

- having regard to the opinions of the European Economic and Social Committee of 16 July 2009 <sup>(1)</sup> and of 26 October 2011 <sup>(2)</sup>,
  - having regard to the opinion of the Committee of the Regions of 7 October 2009 <sup>(3)</sup>,
  - having regard to its position at first reading <sup>(4)</sup> on the Commission proposal to Parliament and the Council (COM(2008) 0815),
  - having regard to the amended Commission proposal (COM(2011)0320),
  - 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 Civil Liberties, Justice and Home Affairs (A7-0214/2013),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7\_TA(2013)0255

### **Application for international protection lodged in a Member State by a third-country national or a stateless person (recast) \*\*\*II**

**European Parliament legislative resolution of 12 June 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (15605/3/2012 — C7-0164/2013 — 2008/0243(COD))**

**(Ordinary legislative procedure: second reading)**

(2016/C 065/40)

*The European Parliament,*

- having regard to the Council position at first reading (15605/3/2012 — C7-0164/2013),
- having regard to the opinion of the European Economic and Social Committee of 16 July 2009 <sup>(1)</sup>,
- having regard to the opinion of the Committee of the Regions of 7 October 2009 <sup>(2)</sup>,
- having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2008) 0820),

<sup>(1)</sup> OJ C 317, 23.12.2009, p. 110.

<sup>(2)</sup> OJ C 24, 28.1.2012, p. 80.

<sup>(3)</sup> OJ C 79, 27.3.2010, p. 58.

<sup>(4)</sup> OJ C 212 E, 5.8.2010, p. 348.

<sup>(1)</sup> OJ C 317, 23.12.2009, p. 115.

<sup>(2)</sup> OJ C 79, 27.3.2010, p. 58.

<sup>(3)</sup> OJ C 212 E, 5.8.2010, p. 370.

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- 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 Civil Liberties, Justice and Home Affairs (A7-0216/2013),
1. Approves the Council position at first reading;
  2. Approves the joint statement by Parliament, the Council and the Commission 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*, together with the joint statement by Parliament, the Council and the Commission;
  6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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ANNEX TO THE LEGISLATIVE RESOLUTION

**Joint statement by the Council, the European Parliament and the Commission**

The Council and the European Parliament invite the Commission to consider, without prejudice to its right of initiative, a revision of Article 8(4) of the Recast of the Dublin Regulation once the Court of Justice rules on case C-648/11 MA and Others vs. Secretary of State for the Home Department and at the latest by the time limits set in Article 46 of the Dublin Regulation. The European Parliament and the Council will then both exercise their legislative competences, taking into account the best interests of the child.

The Commission, in a spirit of compromise and in order to ensure the immediate adoption of the proposal, accepts to consider this invitation, which it understands as being limited to these specific circumstances and not creating a precedent.

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P7\_TA(2013)0256

**Granting and withdrawing international protection (recast) \*\*\*II**

**European Parliament legislative resolution of 12 June 2013 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on common procedures for granting and withdrawing international protection (recast) (08260/2/2013 — C7-0163/2013 — 2009/0165(COD))**

**(Ordinary legislative procedure: second reading)**

(2016/C 065/41)

*The European Parliament,*

- having regard to the Council position at first reading (08260/2/2013 — C7-0163/2013),

Wednesday 12 June 2013

- having regard to the opinions of the European Economic and Social Committee of 28 April 2010 <sup>(1)</sup> and of 26 October 2011 <sup>(2)</sup>.
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2009) 0554),
  - having regard to the amended Commission proposal (COM(2011)0319),
  - 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 Civil Liberties, Justice and Home Affairs (A7-0217/2013),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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<sup>(1)</sup> OJ C 18, 19.1.2011, p. 80.

<sup>(2)</sup> OJ C 24, 28.1.2012, p. 79.

<sup>(3)</sup> OJ C 296 E, 2.10.2012, p. 184.

Wednesday 12 June 2013

P7\_TA(2013)0257

## Fund for European aid to the most deprived \*\*\*I

Amendments adopted by the European Parliament on 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council on the Fund for European Aid to the Most Deprived (COM(2012)0617 — C7-0358/2012 — 2012/0295(COD)) <sup>(1)</sup>

(Ordinary legislative procedure: first reading)

(2016/C 065/42)

### Amendment 1

#### Proposal for a regulation

##### Recital 1

*Text proposed by the Commission*

- (1) In line with the conclusions of the European Council of 17 June 2010, whereby the Union strategy for smart, sustainable and inclusive growth was adopted, the Union and the Member States have set themselves the objective of having at least 20 million fewer people at risk of poverty and social exclusion by 2020.

*Amendment*

- (1) In line with the conclusions of the European Council of 17 June 2010, whereby the Union strategy for smart, sustainable and inclusive growth (**'Europe 2020 strategy'**) was adopted, the Union and the Member States have set themselves the objective of having at least 20 million fewer people at risk of poverty and social exclusion by 2020. **Nonetheless, in 2010, nearly one quarter of Europeans (119,6 million) were at risk-of-poverty or social exclusion, approximately 4 million people more than in the previous year. However, poverty and social exclusion are not uniform across the Union and the gravity varies between the Member States.**

### Amendment 2

#### Proposal for a regulation

##### Recital 2

*Text proposed by the Commission*

- (2) The number of persons suffering from material or even severe material deprivation in the Union is increasing and those persons are often too excluded to benefit from the activation measures of Regulation (EU) No [...CPR], and, in particular of Regulation (EU) No [...ESF].

*Amendment*

- (2) The number of persons suffering from material, or even severe material deprivation, in the Union is increasing and **in 2012 nearly 8% of Union citizens lived in conditions of severe material deprivation. In addition,** those persons are often too excluded to benefit from the activation measures of Regulation (EU) No ../....[CPR], and, in particular of Regulation (EU) No ../....[ESF].

<sup>(1)</sup> The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0183/2013).

Wednesday 12 June 2013

**Amendment 3**  
**Proposal for a regulation**  
**Recital 2 a (new)**

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Text proposed by the Commission

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Amendment

- (2a) *Women and children are over-represented among deprived people at-risk-of-poverty and of social exclusion, while women are often responsible for the food security and subsistence of families. Member States and the Commission should take appropriate steps to prevent any discrimination and should ensure equality between men and women and the coherent integration of the gender perspective at all stages of the preparation, the programming, management and implementation, the monitoring and the evaluation of the Fund, as well as in information and awareness raising campaigns and exchanges of best practices.*

**Amendment 4**  
**Proposal for a regulation**  
**Recital 2 b (new)**

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Text proposed by the Commission

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Amendment

- (2b) *Article 2 of the Treaty on European Union underlines that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.*

**Amendment 5**  
**Proposal for a regulation**  
**Recital 2 c (new)**

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Text proposed by the Commission

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Amendment

- (2c) *Article 6 of the Treaty on European Union underlines that the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union.*

Wednesday 12 June 2013

**Amendment 6**  
**Proposal for a regulation**  
**Recital 2 d (new)**

*Text proposed by the Commission*

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*Amendment*

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- (2d) *In order to prevent the marginalisation of vulnerable and low-income groups and to avert the increased risk of poverty and social exclusion, it is necessary to adopt strategies that promote active inclusion.*

**Amendment 7**  
**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

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*Amendment*

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- (4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food **deprivation, homelessness** and material deprivation **of children**.

- (4) The Fund for European Aid to the Most Deprived (hereinafter the 'Fund') should strengthen social cohesion by contributing to the reduction of poverty in the Union by supporting national schemes that provide non-financial assistance to the most deprived persons to alleviate food and **severe** material deprivation.

**Amendment 8**  
**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

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*Amendment*

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- (4a) *The ETHOS definition (European typology of homelessness) is a potential starting point for allocating the fund to different categories of severely deprived people.*

**Amendment 9**  
**Proposal for a regulation**  
**Recital 4 b (new)**

*Text proposed by the Commission*

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*Amendment*

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- (4b) *The Fund should not replace public policies undertaken by Member State governments with the aim of limiting the need for emergency food aid and developing sustainable targets and policies for the full eradication of hunger, poverty and social exclusion.*

Wednesday 12 June 2013

**Amendment 10**  
**Proposal for a regulation**  
**Recital 4 c (new)**

Text proposed by the Commission

Amendment

- (4c) *Given the increasing number of those at risk of poverty and social exclusion, a trend which is set to continue in the coming years, it is necessary to step up resources earmarked for the Fund under the Multiannual Financial Framework.*

**Amendment 11**  
**Proposal for a regulation**  
**Recital 4 d (new)**

Text proposed by the Commission

Amendment

- (4d) *The Fund should also support efforts by the Member States to alleviate the acute material deprivation of the homeless.*

**Amendment 12**  
**Proposal for a regulation**  
**Recital 6**

Text proposed by the Commission

Amendment

- (6) Those provisions also ensure that the operations supported shall comply with applicable Union and national laws, notably in regard to the safety of **the goods that are distributed** to the most deprived persons.
- (6) Those provisions also ensure that the operations supported shall comply with applicable Union and national laws, notably in regard to the safety of **food aid and basic material assistance** to the most deprived persons.

**Amendment 13**  
**Proposal for a regulation**  
**Recital 8**

Text proposed by the Commission

Amendment

- (8) The operational programme of each Member **State** should identify and justify the forms of material deprivation to be addressed, and describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. It should also include elements necessary to ensure effective and efficient implementation of the operational **programme**.
- (8) The operational programme of each Member **States** should identify and justify the forms of **food and** material deprivation to be addressed, and **should** describe the objectives and features of the assistance to the most deprived persons that will be provided through the support of national schemes. It should also include elements necessary to ensure the effective and efficient implementation of the operational **programmes**.

Wednesday 12 June 2013

**Amendment 14**  
**Proposal for a regulation**  
**Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

- (8a) *Severe food deprivation in the Union coincides with significant food wastage. The operational programme of each Member State should include a reference to how it will seek to exploit synergies between policies for reducing food wastage and combating food deprivation, in a coordinated manner. The operational programme of each Member State should also include a reference to how it will seek to address any administrative obstacles that obstruct commercial and non-commercial organisations willing to donate excess food supplies to not-for-profit organisations engaged in combating food deprivation.*

**Amendment 15**  
**Proposal for a regulation**  
**Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

- (8b) *With a view to ensuring the effective and efficient implementation of the measures financed from the Fund, cooperation should be fostered between regional and local authorities and bodies representing civil society. Member States should therefore promote the participation by all those involved in drawing up and implementing measures financed from the Fund.*

**Amendment 16**  
**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

- (9) In order to maximise effectiveness of the Fund, in particular as regards **the** national circumstances, it is appropriate to set out a procedure for potential amendment of the operational programme.

- (9) In order to maximise **the** effectiveness of the Fund **and to ensure the maximum synergy with ESF measures**, in particular as regards **possible changes in** national circumstances, it is appropriate to set out a procedure for **the** potential amendment of the operational programme.



Wednesday 12 June 2013

**Amendment 17**  
**Proposal for a regulation**  
**Recital 9 a (new)**

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*Text proposed by the Commission*

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*Amendment*

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- (9a) *In order to respond in the most effective and adequate manner to the various needs and to better reach out to the most deprived persons, the partnership principle should apply at all stages of the Fund.*

**Amendment 18**  
**Proposal for a regulation**  
**Recital 10**

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*Text proposed by the Commission*

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*Amendment*

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- (10) Exchanges of experience and best practices have a significant added value and the Commission should facilitate such dissemination.

- (10) Exchanges of experience and best practices have a significant added value ***because they facilitate mutual learning*** and the Commission should facilitate ***and promote*** such dissemination, ***while seeking synergies with the exchange of best practices in the context of related Funds, in particular the ESF.***

**Amendment 19**  
**Proposal for a regulation**  
**Recital 11**

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*Text proposed by the Commission*

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*Amendment*

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- (11) In order to monitor the progress of operational programmes implementation, the Member States should draw up and provide to the Commission annual and final implementation reports thus ensuring the availability of essential and up-to-date date information. For the same purposes, Commission and each Member State should meet every year for a bilateral review, except if they agree otherwise.

- (11) In order to monitor the progress of operational programmes implementation, the Member States should, ***in cooperation with the non-governmental organisations involved***, draw up and provide to the Commission annual and final implementation reports thus ensuring the availability of essential and up-to-date date information. For the same purposes, Commission and each Member State should meet every year for a bilateral review, except if they agree otherwise.

Wednesday 12 June 2013

**Amendment 20**  
**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

- (12) In order to improve the quality and design of each operational programme and evaluate the effectiveness and efficiency of the Fund, ex ante and ex post evaluations should be conducted. Those evaluations should be supplemented by surveys on the most deprived persons who have benefited from the operational programme and, if necessary, by evaluations during the programming period. The responsibilities of Member States and the Commission in this respect should be specified.

*Amendment*

- (12) In order to improve the quality and design of each operational programme and evaluate the effectiveness and efficiency of the Fund, ex ante and ex post evaluations should be conducted. Those evaluations should be supplemented by surveys on the most deprived persons who have benefited from the operational programme and, if necessary, by evaluations during the programming period. ***Those evaluation should also respect the privacy of end recipients and be carried out in such a way as not to stigmatise the most deprived people.*** The responsibilities of Member States and the Commission in this respect should be specified.

**Amendment 21**  
**Proposal for a regulation**  
**Recital 12 a (new)**

*Text proposed by the Commission*

*Amendment*

- (12a) ***As highlighted in the Eurostat study ‘Measuring material deprivation in the EU — Indicators for the whole population and child-specific indicators’, substantial research has been carried out on material deprivation, enabling more refined data collection in the near future on materially deprived households, adults and children.***

**Amendment 22**  
**Proposal for a regulation**  
**Recital 12 b (new)**

*Text proposed by the Commission*

*Amendment*

- (12b) ***When carrying out those evaluations, supplemented by surveys on the most deprived persons, it should be borne in mind that deprivation is a complex concept which is difficult to grasp when using a small number of indicators as they can be misleading and thus result in ineffective policies.***

Wednesday 12 June 2013

**Amendment 23**  
**Proposal for a regulation**  
**Recital 12 c (new)**

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*Text proposed by the Commission*

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*Amendment*

- (12c) *As highlighted in the Eurofound (2012) — Third European Quality of Life Survey, material deprivation in the Union should be measured by the inability to afford items that are considered essential no matter what people own and how much they earn. Therefore, for the purpose of developing a deprivation index which allows for a more refined assessment of material deprivation of households, indicators such as income level, income inequality, the ability of making ends meet, over-indebtedness and satisfaction with living standards should be taken into account.*

**Amendment 24**  
**Proposal for a regulation**  
**Recital 13**

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*Text proposed by the Commission*

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*Amendment*

- (13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of the Member States and the beneficiaries, should be set out.

- (13) Citizens have the right to know how the Union's financial resources are invested and to what effects. For the purpose of ensuring wide dissemination of information about the achievements of the Fund and to ensure accessibility and transparency of funding opportunities, detailed rules about information and communication, especially in relation to the responsibilities of **local and regional authorities** in the Member States and the beneficiaries, should be set out.

**Amendment 25**  
**Proposal for a regulation**  
**Recital 15**

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*Text proposed by the Commission*

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*Amendment*

- (15) It is necessary to establish a **maximum** level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources, **while the** situation of Member States facing temporary budget difficulties should be addressed.

- (15) It is necessary to establish a level of co-financing from the Fund to the operational programmes to provide for a multiplier effect of Union resources. **The** situation of Member States facing temporary budget difficulties should **also** be addressed.

Wednesday 12 June 2013

**Amendment 26**  
**Proposal for a regulation**

**Recital 16**

*Text proposed by the Commission*

- (16) Uniform and equitable rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through adequate conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

*Amendment*

- (16) Uniform, **simple** and equitable rules on the eligibility period, operations and expenditures for the Fund should be applied across the Union. The conditions of eligibility should reflect the specific nature of the Fund's objectives and target populations, notably through adequate **and simplified** conditions of eligibility of the operations as well as forms of support and rules and conditions of reimbursement.

**Amendment 27**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

- (17) [Proposal for a] Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation)<sup>5</sup> provides that products bought under public intervention may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union if that scheme so provides. Given that, depending on the circumstances, obtaining of food from the use, processing or sale of such stocks might be economically the most favourable option, it is appropriate to provide for such a possibility in this Regulation. The amounts derived from a transaction concerning the stocks should be used for the benefit of the most deprived, and should not be applied so as to diminish the obligation of the Member States to co-finance the programme. In order to ensure the most efficient possible use of the intervention stocks and the proceeds thereof, the Commission should in accordance with Article 19(e) of the Regulation (EU) No [CMO] adopt implementing acts establishing procedures by which the products in intervention stocks may be used, processed or sold for the purposes of the most deprived programme.

*Amendment*

- (17) [Proposal for a] Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation)<sup>5</sup> provides that products bought under public intervention may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union if that scheme so provides. Given that, depending on the circumstances, obtaining of food from the use, processing or sale of such stocks might be economically the most favourable option, it is appropriate to provide for such a possibility in this Regulation. The amounts derived from a transaction concerning the stocks should be used for the benefit of the most deprived, and should not be applied so as to diminish the obligation of the Member States to co-finance the programme. In order to ensure the most efficient possible use of the intervention stocks and the proceeds thereof, the Commission should in accordance with Article 19(e) of the Regulation (EU) No [CMO] adopt implementing acts establishing procedures by which the products in intervention stocks may be used, processed or sold for the purposes of the most deprived programme. **Partner organisations should be allowed to distribute additional food supplies coming from other sources including intervention stock made available under Article 15 of Regulation (EU) No. ... [CMO].**

Wednesday 12 June 2013

**Amendment 28**  
**Proposal for a regulation**

**Recital 18**

*Text proposed by the Commission*

- (18) It is necessary to specify the types of actions that can be undertaken at the initiative of the Commission and of the Member States as technical assistance supported by the Fund.

*Amendment*

- (18) It is necessary to specify the types of actions that can be undertaken at the initiative of the Commission and of the Member States as technical assistance supported by the Fund. **Which types of action are specified should be decided in close co-operation with the managing authorities and partner organisations.**

**Amendment 29**  
**Proposal for a regulation**

**Recital 27**

*Text proposed by the Commission*

- (27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down common rules for interim payment requests, the payment of the annual balance and the final balance.

*Amendment*

- (27) Union budget commitments should be effected annually. In order to ensure effective programme management, it is necessary to lay down **simple** common rules for interim payment requests, the payment of the annual balance and the final balance.

**Amendment 30**  
**Proposal for a regulation**

**Recital 30**

*Text proposed by the Commission*

- (30) In order to safeguard the Union's financial interests, there should be measures limited in time that allow the authorising officer by delegation to interrupt payments where there is evidence to suggest a significant deficiency in the functioning of the management and control system, evidence of irregularities linked to a payment application, or a failure to submit documents for the purpose of the examination and acceptance of accounts.

*Amendment*

- (30) In order to safeguard the Union's financial interests, there should be measures limited in time that allow the authorising officer by delegation to interrupt payments where there is evidence to suggest a significant deficiency in the functioning of the management and control system, evidence of irregularities linked to a payment application, or a failure to submit documents for the purpose of the examination and acceptance of accounts, **or serious delays in project implementation, with convincing evidence that the objectives set for the projects in question are not being met.**

Wednesday 12 June 2013

**Amendment 31**  
**Proposal for a regulation**

**Recital 32**

*Text proposed by the Commission*

- (32) In order to ensure that expenditure financed by the Union budget in any given financial year is used in accordance with the applicable rules, an appropriate framework should be created for the annual examination and acceptance of accounts. Under this framework, the designated bodies should submit to the Commission, in respect of the operational programme, a management declaration accompanied by the certified annual accounts, an annual summary of the final audit reports and of controls carried out and an independent audit opinion and control report.

*Amendment*

- (32) In order to ensure that expenditure financed by the Union budget in any given financial year is used in accordance with the applicable rules, an appropriate **and simple** framework should be created for the annual examination and acceptance of accounts. Under this framework, the designated bodies should submit to the Commission, in respect of the operational programme, a management declaration accompanied by the certified annual accounts, an annual summary of the final audit reports and of controls carried out and an independent audit opinion and control report.

**Amendment 32**  
**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

- (35) The frequency of audits on operations should be proportionate to the extent of the Union's support from the Fund. In particular, the number of audits carried out should be reduced where the total eligible expenditure for an operation does not exceed EUR 100 000. Nevertheless, it should be possible to carry out audits at any time where there is evidence of an irregularity or fraud, or as part of an audit sample. In order that the level of auditing by the Commission is proportionate to the risk, the Commission should be able to reduce its audit work in relation to operational programmes where there are no significant deficiencies or where the audit authority can be relied on. In addition, the scope of audits should take fully into account the objective and the features of the target populations of the Fund.

*Amendment*

- (35) The frequency of audits on operations should be proportionate to the extent of the Union's support from the Fund. In particular, the number of audits carried out should be reduced where the total eligible expenditure for an operation does not exceed EUR 100 000. Nevertheless, it should be possible to carry out audits at any time where there is evidence of an irregularity or fraud, or as part of an audit sample. In order that the level of auditing by the Commission is proportionate to the risk, the Commission should be able to reduce its audit work in relation to operational programmes where there are no significant deficiencies or where the audit authority can be relied on. In addition, the scope of audits should take fully into account the objective and the features of the target populations of the Fund, **as well as the voluntary character of its beneficiary bodies.**

Wednesday 12 June 2013

**Amendment 33**  
**Proposal for a regulation**

**Recital 41**

*Text proposed by the Commission*

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

*Amendment*

(41) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, **the right to social assistance and to housing**, the rights of the elderly, equality between men and women, and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

**Amendment 34**  
**Proposal for a regulation**  
**Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

(42a) ***Taking into account the date by which invitations to tender have to be issued, the time limits for adoption of this Regulation and the time needed for the preparation of operational programmes, rules should be put in place to permit a smooth transition in 2014 so that there is no interruption in the supply of food.***

**Amendment 35**  
**Proposal for a regulation**  
**Recital 42 b (new)**

*Text proposed by the Commission*

*Amendment*

(42b) ***It should be ensured that the Fund complements programmes and actions funded under the ESF and is coordinated as closely as possible with the ESF. Setting up parallel structures in the fight against poverty which increase administrative burdens and make coordination and synergies difficult, should be avoided.***

Wednesday 12 June 2013

**Amendment 36**  
**Proposal for a regulation**

**Article 1**

*Text proposed by the Commission*

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter 'the Fund') for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure the effectiveness of the Fund.

*Amendment*

1. This Regulation establishes the Fund for European Aid to the Most Deprived (hereinafter 'the Fund') for the period from 1 January 2014 to 31 December 2020 and determines the objectives of the Fund, the scope of its support, the financial resources available and the criteria for their allocation and lays down the rules necessary to ensure the effectiveness **and efficiency** of the Fund.

**Amendment 37**  
**Proposal for a regulation**

**Article 2**

*Text proposed by the Commission*

The following definitions shall apply:

- (1) 'most deprived persons' means physical persons, whether individuals, families, households or groups composed of such persons, whose need for assistance has been established according to the objective criteria **adopted** by the national competent authorities, or defined by the partner organisations and which are approved by those competent authorities;
- (2) 'partner organisations' means public bodies or non-for-profit organisations that deliver the food or goods directly or through other partner organisations to the most deprived persons, and whose operations have been selected by the managing authority in accordance with Article 29(3)(b);
- (3) 'national schemes' means any scheme having, at least partly, the same objectives as the Fund and which is being implemented at national, regional or local level by public bodies or non-for-profit organisations;
- (4) 'operation' means a project, contract or action selected by the managing authority of the operational programme concerned, or under its responsibility, contributing to the objectives of the operational programme to which it relates;

*Amendment*

**For the purpose of this Regulation** the following definitions shall apply:

- (1) 'most deprived persons' means physical persons, whether individuals, families, households or groups composed of such persons, whose need for assistance has been established according to the objective criteria **set** by the national competent authorities **in collaboration with relevant stakeholders**, or defined by the partner organisations and which are approved by those **national** competent authorities;
- (2) 'partner organisations' means public bodies or non-for-profit organisations that deliver the food **and/or basic material assistance — in accordance with the eligibility criteria set out in Article 24** — directly or through other partner organisations to the most deprived persons, and whose operations have been selected by the managing authority in accordance with Article 29(3)(b);
- (3) 'national schemes' means any scheme having, at least partly, the same objectives as the Fund and which is being implemented at national, regional or local level by public bodies or non-for-profit organisations;
- (4) 'operation' means a project, contract or action selected by the managing authority of the operational programme concerned, or under its responsibility, contributing to the objectives of the operational programme to which it relates;



Wednesday 12 June 2013

## Text proposed by the Commission

## Amendment

- (5) 'completed operation' means an operation that has been physically completed or fully implemented and in respect of which all related payments have been made by beneficiaries and the support from the corresponding operational programme has been paid to the beneficiaries;
- (6) 'beneficiary' means a public or private body responsible for initiating or initiating and implementing operations;
- (7) 'end recipient' means **the most deprived persons receiving the food or goods** and/or benefiting from the accompanying measures;
- (8) 'public support' means any financial support given to an operation that originates from the budget of national, regional or local public authorities, the budget of the Union related to the Fund, the budget of public law bodies or the budget of associations of public authorities or any body governed by public law within the meaning of Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council;
- (9) 'intermediate body' means any public or private body which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;
- (10) 'accounting year' means the period from 1 July to 30 June, except for the first accounting year, in respect of which it means the period from the starting date for eligibility of expenditure until 30 June 2015, the final accounting year being from 1 July 2022 to 30 June 2023;
- (11) 'financial year' means the period from 1 January to 31 December.
- (5) 'completed operation' means an operation that has been physically completed or fully implemented and in respect of which all related payments have been made by beneficiaries and the support from the corresponding operational programme has been paid to the beneficiaries;
- (6) 'beneficiary' means a public or private body responsible for initiating or initiating and implementing operations;
- (7) 'end recipient' means **people suffering from food and/or material deprivation and receiving non-financial assistance** and/or benefiting from the accompanying measures **in the framework of this fund**;
- (7a) **'accompanying measures' means measures beyond the distribution of food and basic material assistance, taken with the aim of overcoming social exclusion and of tackling social emergencies in a more empowering and sustainable way;**
- (8) 'public support' means any financial support given to an operation that originates from the budget of national, regional or local public authorities, the budget of the Union related to the Fund, the budget of public law bodies or the budget of associations of public authorities or any body governed by public law within the meaning of Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council;
- (9) 'intermediate body' means any public or private body which acts under the responsibility of a managing or certifying authority, or which carries out duties on behalf of such an authority in relation to beneficiaries' implementing operations;
- (10) 'accounting year' means the period from 1 July to 30 June, except for the first accounting year, in respect of which it means the period from the starting date for eligibility of expenditure until 30 June 2015, the final accounting year being from 1 July 2022 to 30 June 2023;
- (11) 'financial year' means the period from 1 January to 31 December.

Wednesday 12 June 2013

**Amendment 73**  
**Proposal for a regulation**  
**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 2a**

***The right to use the Fund shall apply to all Members States.***

**Amendment 38**  
**Proposal for a regulation**  
**Article 3**

*Text proposed by the Commission*

*Amendment*

The Fund shall promote social cohesion in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy. The Fund shall contribute to achieving the specific objective of alleviating the worst forms of poverty **in the Union** by providing non-financial assistance to the most deprived persons. This objective shall be **measured by the number of persons receiving assistance from the Fund.**

1. The Fund shall promote social cohesion, **enhance social inclusion and combat poverty** in the Union by contributing to achieving the poverty reduction target of at least 20 million of the number of persons at risk of poverty and social exclusion in accordance with the Europe 2020 strategy, **whilst complementing the European Social Fund.** The Fund shall contribute to achieving the specific objective of alleviating **and eradicating** the worst forms of poverty, **in particular food poverty**, by providing non-financial assistance to the most deprived persons.

2. **The Fund shall contribute to the sustainable eradication of food poverty, offering most deprived persons the prospect of a decent life.** This objective **and the structural impact of the fund** shall be **qualitatively and quantitatively assessed.**

3. **The Fund shall complement and shall not replace or reduce sustainable national poverty eradication and social inclusion programmes, which remain the responsibility of Member States.**

**Amendment 39**  
**Proposal for a regulation**  
**Article 4**

*Text proposed by the Commission*

*Amendment*

1. The Fund shall support national schemes whereby food products and basic **consumer goods** for the personal use of **homeless persons or of children** are distributed to the most deprived persons through partner organisations selected by Member States.

1. The Fund shall support national schemes whereby food products and/or basic **material assistance, including starter packs**, for the personal use of **the end recipients** are distributed to the most deprived persons through partner organisations selected by Member States.

Wednesday 12 June 2013

*Text proposed by the Commission**Amendment*

2. The Fund may support accompanying measures, complementing the provision of food and **goods**, contributing to the social inclusion of the most deprived persons.

2. The Fund may support accompanying measures, complementing the provision of food and **basic material assistance**, contributing to social inclusion **and a healthy diet and reducing dependencies** of the most deprived persons. **Such measures should be closely linked to the local activities of the European Social Fund and the activities of organisations which focus on the eradication of poverty.**

**2a. The Fund may provide beneficiaries with assistance to make more efficient use of local food supply chains, thereby augmenting and diversifying the supply of food for the most deprived, as well as reducing and preventing food wastage.**

3. The Fund shall promote mutual, learning, networking and dissemination of good practices in the area of non-financial assistance to the most deprived persons.

3. The Fund shall promote, **at European level**, mutual learning, networking and dissemination of good practices in the area of non-financial assistance to the most deprived persons. **Relevant organisations and projects that do not make use of the Fund may also be included.**

## Amendments 40 and 76

### Proposal for a regulation

#### Article 5

*Text proposed by the Commission**Amendment*

1. The part of the Union budget allocated to the Fund shall be implemented within the framework of shared management between the Member States and the Commission, in accordance with Article 55(1)(b) of the Financial Regulation, with the exception of technical assistance at the initiative of the Commission, which shall be implemented in the framework of direct management in accordance with Article 55(1) (a) of the Financial Regulation.

1. The part of the Union budget allocated to the Fund shall be implemented within the framework of shared management between the Member States and the Commission, in accordance with Article 55(1)(b) of the Financial Regulation, with the exception of technical assistance at the initiative of the Commission, which shall be implemented in the framework of direct management in accordance with Article 55(1) (a) of the Financial Regulation.

2. The Commission and the Member States shall ensure that support from the Fund is consistent with the policies and priorities of the Union and complementary to other instruments of the Union.

2. The Commission and the Member States shall ensure that support from the Fund is consistent with the policies and priorities of the Union and complementary to other instruments of the Union.

3. Support from the Fund shall be **implemented** in close cooperation between the Commission and the Member States.

3. Support from the Fund shall be **provided** in close co-operation between the Commission and the Member States **in co-operation with as well as the competent regional and local authorities and partner organisations involved.**

Wednesday 12 June 2013

Text proposed by the Commission

4. Member States and the bodies designated by them for that purpose shall be responsible for implementing the operational programmes and carrying out their tasks under this Regulation in accordance with the institutional, legal and financial framework of the Member State and subject to compliance with this Regulation.

5. Arrangements for the implementation and use of the Fund, and in particular the financial and administrative resources required in relation to reporting, evaluation, management and control shall take into account **the principle of proportionality having regard to the level of support allocated.**

6. In accordance with their respective responsibilities, the Commission and the Member States shall ensure coordination with the European Social Fund, and with other Union policies and instruments

7. The Commission and the Member States and the beneficiaries shall apply the principle of sound financial management in accordance with Article 26 of the Financial Regulation.

8. The Commission and the Member States shall ensure the effectiveness of the Fund, in particular through monitoring, reporting and evaluation.

9. The Commission and the Member States shall carry out their respective roles in relation to the Fund with the aim of reducing the administrative burden for beneficiaries.

Amendment

4. Member States and the bodies designated by them for that purpose, **or where appropriate, the competent regional authorities,** shall be responsible for implementing the operational programmes and carrying out their tasks under this Regulation in accordance with the institutional, legal and financial framework of the Member State and subject to compliance with this Regulation.

5. Arrangements for the implementation and use of the Fund, and in particular the financial and administrative resources required in relation to reporting, evaluation, management and control shall take into account **the limited administrative capacity of organisations that function in the main thanks to volunteers, and shall ensure that the administrative burden placed on them is not greater than it was under the previous programme.**

6. In accordance with their respective responsibilities, **and in order to prevent double funding,** the Commission and the Member States shall ensure coordination with the European Social Fund, and with other Union policies and instruments, **in particular Union actions in the field of health.**

7. The Commission and the Member States and the beneficiaries shall apply the principle of sound financial management in accordance with Article 26 of the Financial Regulation.

8. The Commission and the Member States shall ensure the effectiveness of the Fund, in particular through monitoring, reporting and evaluation **and through the close and regular consultation of local and regional authorities and partner organisations implementing the fund's measures in the impact assessments.**

9. The Commission and the Member States shall **take action to guarantee the effectiveness of the Fund, and shall** carry out their respective roles in relation to the Fund with the aim of reducing the administrative burden for beneficiaries;

Wednesday 12 June 2013

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*Text proposed by the Commission*

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*Amendment*

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10. The Commission and the Member States shall ensure that equality between men and women and the integration of the gender perspective are promoted during the various stages of the implementation of the Fund. The Commission and the Member States shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in obtaining access to the Fund.

11. Operations financed by the Fund shall comply with applicable Union and national law. In particular, the Fund may only be used to support distribution of food or **goods** that are in conformity with the Union legislation on consumer product safety.

12. Member States and beneficiaries shall choose the food products and the **goods** on the basis of objective criteria. **The selection criteria for the food products, and where appropriate for goods, shall also take into consideration climatic and environmental aspects, in particular with a view to reduction of food waste.**

10. The Commission and the Member States shall ensure that equality between men and women and the integration of the gender perspective are **taken into account** during the various stages **of the preparation, the programming, management and implementation, the monitoring and the evaluation of the Fund, as well as in information and awareness raising campaigns and exchanges of best practices, while using data broken down by gender where available.** The Commission and the Member States shall take appropriate steps to prevent any discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in obtaining access to the Fund, **and related programmes and operations.**

11. Operations financed by the Fund shall comply with applicable Union and national law. In particular, the Fund may only be used to support distribution of food or **basic material assistance** that are in conformity with the Union legislation on consumer product safety.

**11a. Where appropriate, the choice of food products shall be based on principles of balanced nutrition and quality food, including fresh produce, and should contribute to a healthy diet of the end recipients.**

12. Member States and beneficiaries shall choose food products and the **basic material assistance** on **the** basis of objective criteria **related to the needs of the most deprived persons.**

**12a. Where appropriate priority should be given to local and regional products, taking climatic and environmental considerations into account, in particular with a view to the reduction of food waste at every stage of the distribution chain. This may include partnerships with companies throughout the food chain in a spirit of corporate social responsibility.**

**12b. The Commission and the Member States shall ensure that aid granted in the framework of this Fund respects the dignity of the most deprived persons.**

Wednesday 12 June 2013

### Amendment 75

#### Proposal for a regulation

#### Article 6 — paragraph 1

*Text proposed by the Commission*

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 shall **be EUR 2 500 000 000 at 2011 prices, in accordance with the annual breakdown set out in Annex II.**

*Amendment*

1. The global resources available for budgetary commitment from the Fund for the period 2014-2020 **(in 2011 prices)** shall **not be less, in real terms, than seven times the budgetary allocation, adopted in the 2011 budget, for the aid for deprived persons programme.**

### Amendment 42

#### Proposal for a regulation

#### Article 6 — paragraph 3

*Text proposed by the Commission*

3. The Commission shall adopt a decision, by means of implementing acts, setting out the annual breakdown of the global resources by Member State, in accordance with Article 84 (5) of Regulation (EU) No... (CPR), without prejudice to paragraph 4 of this Article, **taking into account the following** indicators established by Eurostat:

- (a) the population suffering from severe material deprivation;
- (b) the population living in households with very low work intensity.

*Amendment*

3. The Commission shall adopt a decision, by means of implementing acts, setting out the annual breakdown of the global resources by Member State, in accordance with Article 84 (5) of Regulation (EU) No... (CPR), without prejudice to paragraph 4 of this Article, **based on the most recent** indicators established by Eurostat **concerning:**

- (a) the population suffering from severe material deprivation, **as a percentage of the total population;**
- (b) **changes in** the population living in households with very low work intensity.

### Amendment 43

#### Proposal for a regulation

#### Article 7

*Text proposed by the Commission*

1. Each Member State shall submit to the Commission one operational programme covering the period between 1 January 2014 and 31 December 2020 within three months of the entry into force of this Regulation, containing the following items:

*Amendment*

1. Each Member State shall submit to the Commission one operational programme covering the period between 1 January 2014 and 31 December 2020 within three months of the entry into force of this Regulation, containing the following items:

- (-a) **a specification of the amount of its allocated share to be used.**

Wednesday 12 June 2013

## Text proposed by the Commission

## Amendment

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| <p>(a) <b>an identification of and</b> a justification for selecting the type (s) of material deprivation to be addressed <b>under the operational programme</b> and a description <b>for each type of material deprivation addressed</b> of the main characteristics <b>and the objectives of the distribution of food or goods and the accompanying measures to be provided</b>, having regard to the results of the <i>ex ante</i> evaluation carried out in accordance with Article 14;</p> <p>(b) a description of the corresponding national scheme(s) for each type of material deprivation addressed;</p> <p>(c) a description of the mechanism setting the eligibility criteria for the most deprived persons, differentiated if necessary by type of material deprivation addressed;</p> <p>(d) the criteria for the selection of operations and a description of the selection mechanism differentiated if necessary by type of material deprivation addressed;</p> <p>(e) the criteria for the selection of the partner organisations differentiated if necessary by type of material deprivation addressed;</p> <p>(f) a description of the mechanism used to ensure complementarity with the European Social Fund;</p> <p>(g) a description of the provisions for implementing the operational programme containing the identification of the managing authority, the certifying authority where applicable, the audit authority and the body to which payments are to be made by the Commission and a description of the monitoring procedure;</p> <p>(h) a description of the measures taken to involve the competent regional, local and other public authorities as well as bodies representing civil society and bodies responsible for promoting equality and non-discrimination in the preparation of the operational programme;</p> <p>(i) a description of the planned use of technical assistance in accordance with Article 25(2), including actions to reinforce the administrative capacity of the beneficiaries in relation to the implementation of the operational programme;</p> | <p>(a) a justification for selecting the type(s) of material deprivation to be addressed and a description of the main characteristics <b>of the operational programme</b>, having regard to the results of the <i>ex ante</i> evaluation carried out in accordance with Article 14;</p> <p>(b) a description of the corresponding national scheme(s) for each type of material deprivation addressed;</p> <p>(c) a description of the mechanism setting the eligibility criteria for the most deprived persons, differentiated if necessary by type of material deprivation addressed;</p> <p>(d) the criteria for the selection of operations and a description of the selection mechanism differentiated if necessary by type of material deprivation addressed;</p> <p>(e) the criteria for the selection of the partner organisations differentiated if necessary by type of material deprivation addressed;</p> <p>(f) a description of the mechanism used to ensure complementarity with the European Social Fund <b>showing a clear demarcation line between activities covered by those two funds</b>;</p> <p><b>(fa) a description of the specific measures envisaged and of the funds allocated to give effect to the principles set out in Article 5.</b></p> <p>(g) a description of the provisions for implementing the operational programme containing the identification of the managing authority, the certifying authority where applicable, the audit authority and the body to which payments are to be made by the Commission and a description of the monitoring procedure;</p> <p>(h) a description of the measures taken to involve the competent regional, local and other public authorities as well as bodies representing civil society and bodies responsible for promoting equality and non-discrimination in the preparation of the operational programme;</p> <p>(i) a description of the planned use of technical assistance in accordance with Article 25(2), including actions to reinforce the administrative capacity of the beneficiaries in relation to the implementation of the operational programme;</p> |
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Wednesday 12 June 2013

Text proposed by the Commission

Amendment

(j) a financing plan containing following tables:

(i) a table specifying for each year in accordance with Article 18 the amount of the financial appropriation envisaged for support from the Fund and the co-financing in accordance with Article 18;

(ii) a table specifying, for the whole programming period, the amount of the total financial appropriation in respect of support from the operational programme for each type of material deprivation addressed as well as the corresponding accompanying measures.

The partner organisations referred to in point (e) that deliver directly the food or **goods** shall themselves undertake activities complementing the provision of material assistance, aiming at the social inclusion of the most deprived persons, whether or not these activities are supported by the Fund.

2. Operational programmes shall be drawn up by Member States or any authority designated by them in cooperation with the competent regional, local and other public authorities as well as **bodies representing civil society and bodies responsible for promoting equality and non-discrimination**.

3. The Member States shall draft their operational programmes in accordance with the template set out in Annex I.

(j) a financing plan containing following tables:

(i) a table specifying for each year in accordance with Article 18 the amount of the financial appropriation envisaged for support from the Fund and the co-financing in accordance with Article 18;

(ii) a table specifying, for the whole programming period, the amount of the total financial appropriation in respect of support from the operational programme for each type of material deprivation addressed as well as the corresponding accompanying measures.

The partner organisations referred to in point (e) that deliver directly the food **and/or basic material assistance** shall themselves **or in cooperation with other organisations** undertake activities complementing the provision of material assistance, aiming at the social inclusion of the most deprived persons, whether or not these activities are supported by the Fund.

2. Operational programmes shall be drawn up by Member States or any authority designated by them in cooperation with the competent regional, local and other public authorities as well as **all relevant stakeholders. Member States shall ensure that the operational programmes are closely linked to national social inclusion policies**.

3. The Member States shall draft their operational programmes in accordance with the template set out in Annex I.

#### Amendment 44

#### Proposal for a regulation

#### Article 9 — paragraph 1

Text proposed by the Commission

Amendment

1. Member State may submit a request for amendment of the operational programme. It shall be accompanied by the revised operational programme and the justification for the amendment.

1. **A** Member State may submit a request for amendment of the operational programme. It shall be accompanied by the revised operational programme and the justification for the amendment.



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**Amendment 45**  
**Proposal for a regulation**  
**Article 10**

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*Text proposed by the Commission*

**Platform**

The Commission shall **set up a Union level platform** to facilitate the exchange of experience, capacity building and networking, **as well as dissemination of relevant outcomes in the area of non-financial assistance to the most deprived persons.**

In addition, the Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level on the implementation of support from the Fund.

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*Amendment*

**Exchange of good practice**

The Commission shall facilitate the exchange of experience, capacity building, networking **and social innovation at Union level, thereby linking partner organisations and other relevant stakeholders from all Member States.**

In addition, the Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level on the implementation of support from the Fund **and shall thereafter report back to the European Parliament and to the Council in due course.**

**The Commission shall also facilitate the online dissemination of relevant outcomes, reports and information in relation to the Fund.**

**Amendment 46**  
**Proposal for a regulation**  
**Article 11**

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*Text proposed by the Commission*

1. From 2015 to 2022, the Member States shall submit to the Commission, by 30 June of each year, an annual implementation report for the operational programme in the previous financial year.

2. The Member States shall draft the annual implementation report in accordance with the template adopted by the Commission, including the list of common input and outcome indicators.

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*Amendment*

1. From 2015 to 2022, the Member States shall submit to the Commission, by 30 June of each year, an annual implementation report for the operational programme in the previous financial year.

2. The Member States shall draft the annual implementation report in accordance with the template adopted by the Commission, including the list of common input and outcome indicators.

**These indicators shall include:**

- (a) recent changes in social policy spending on severe material deprivation, in absolute terms, in relation to GDP and in relation to total public spending.**
- (b) recent changes in social policy legislation on access to funding for beneficiaries and other organisations addressing severe material deprivation.**

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*Text proposed by the Commission*

3. The annual implementation reports shall be admissible where they contain all the information required in accordance with the template referred in paragraph 2, including the common indicators. The Commission shall inform the Member State concerned within 15 working days from the date of receipt of the annual implementation report if it is not admissible. Where the Commission has not sent that information within the time limit, the report shall be deemed admissible.

4. The Commission shall examine the annual implementation report and inform the Member State of its observations within two months of the receipt of the annual implementation report.

Where the Commission does not provide observations within this time limit, the reports shall be deemed to be accepted.

5. The Member States shall submit a final report on the implementation of the operational programme by 30 September 2023.

The Member States shall draft the final implementation report in accordance with the template adopted by the Commission.

The Commission shall examine the final implementation report and inform the Member State of its observations within five months of receipt of the final report.

Where the Commission does not provide observations within this time limit, the reports shall be deemed to be accepted.

6. The Commission shall adopt the template for the annual implementation report, including the list of common indicators and for the final implementation report by means of implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60 (2).

7. The Commission may address observations to a Member State concerning the implementation of the operational programme. The managing authority shall within three months inform the Commission of the corrective measures taken.

8. The managing authority shall make public a summary of the contents of each annual and final implementation report.

*Amendment*

3. The annual implementation reports shall be admissible where they contain all the information required in accordance with the template referred in paragraph 2, including the common indicators. The Commission shall inform the Member State concerned within 15 working days from the date of receipt of the annual implementation report if it is not admissible. Where the Commission has not sent that information within the time limit, the report shall be deemed admissible.

4. The Commission shall examine the annual implementation report and inform the Member State of its observations within two months of the receipt of the annual implementation report.

Where the Commission does not provide observations within this time limit, the reports shall be deemed to be accepted.

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The Member States shall draft the final implementation report in accordance with the template adopted by the Commission.

The Commission shall examine the final implementation report and inform the Member State of its observations within five months of receipt of the final report.

Where the Commission does not provide observations within this time limit, the reports shall be deemed to be accepted.

6. The Commission shall adopt the template for the annual implementation report, including the list of common indicators and for the final implementation report by means of implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60 (2).

7. The Commission may address observations to a Member State concerning the implementation of the operational programme. The managing authority shall within three months inform the Commission of the corrective measures taken.

8. The managing authority shall make public a summary of the contents of each annual and final implementation report.

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Text proposed by the Commission

Amendment

**8a.** *The Commission shall present a summary of the annual implementation reports and the final implementation reports to the European Parliament and Council in due time.*

**8b.** *The procedure concerning implementation reports shall not be excessive in comparison to the funds allocated and to the nature of the support and shall not cause unnecessary administrative burdens.*

#### Amendment 47

#### Proposal for a regulation

#### Article 12

Text proposed by the Commission

Amendment

Bilateral review *meeting*Bilateral review *meetings*

1. The Commission and each Member State shall meet every year from 2014 to 2022, unless otherwise agreed, to examine the progress in implementing the operational programme, taking account of the annual implementation report and the Commission's observations referred to in Article 11(7), where applicable.

2. The bilateral review meeting shall be chaired by the Commission.

3. The Member State shall ensure that appropriate follow-up is given to any comments of the Commission following the meeting.

1. The Commission and each Member State shall meet every year from 2014 to 2022, unless otherwise agreed, to examine the progress in implementing the operational programme, taking account of the annual implementation report and the Commission's observations referred to in Article 11(7), where applicable.

2. The bilateral review meeting shall be chaired by the Commission.

3. The Member State shall ensure that appropriate follow-up is given to any comments of the Commission following the meeting **and refer to it in the implementation report of the following year or, as appropriate, years**

#### Amendment 48

#### Proposal for a regulation

#### Article 13

Text proposed by the Commission

Amendment

1. Member States shall provide the resources necessary for carrying out evaluations, and shall ensure that procedures are in place to produce and collect the data necessary for evaluations, including data related to the common indicators referred to in Article 11.

1. Member States shall provide the resources necessary for carrying out evaluations, and shall ensure that procedures are in place to produce and collect the data necessary for evaluations, including data related to the common indicators referred to in Article 11.

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*Text proposed by the Commission*

2. Evaluations shall be carried out by experts that are functionally independent of the authorities responsible for operational programme implementation. All evaluations shall be made public in their entirety.

*Amendment*

2. Evaluations shall be carried out by experts that are functionally independent of the authorities responsible for operational programme implementation. All evaluations shall be made public in their entirety **but may under no circumstances include information regarding the identity of end recipients.**

**2a. The evaluations shall not be excessive in comparison to the funds allocated or to the nature of the support and shall not cause unnecessary administrative burdens.**

#### Amendment 49

#### Proposal for a regulation

#### Article 14

*Text proposed by the Commission*

1. Member States shall carry out an ex ante evaluation of the operational programme.

2. The ex ante evaluation shall be carried out under the responsibility of the authority responsible for preparing the operational programmes. It shall be submitted to the Commission at the same time as the operational programme, together with an executive summary.

3. Ex ante evaluations shall appraise the following elements:

(a) the contribution to the Union objective of at least 20 million fewer people at risk of poverty and social exclusion by 2020, having regard to the selected type of material deprivation to be addressed, taking into account national circumstances in terms of poverty and social exclusion and material deprivation;

(b) the internal coherence of the proposed operational programme and its relation with other relevant financial instruments;

(c) the consistency of the allocation of budgetary resources with the objective of the operational programme;

*Amendment*

1. Member States shall carry out an ex ante evaluation of the operational programme.

2. The ex ante evaluation shall be carried out under the responsibility of the authority responsible for preparing the operational programmes. It shall be submitted to the Commission at the same time as the operational programme, together with an executive summary.

3. Ex ante evaluations shall appraise the following elements:

(a) the contribution to the Union objective of at least 20 million fewer people **living in poverty or** at risk of poverty and social exclusion by 2020, having regard to the selected type of material deprivation to be addressed, taking into account national circumstances in terms of poverty and social exclusion and material deprivation;

**(aa) the contribution to the reduction of food waste;**

(b) the internal coherence of the proposed operational programme and its relation with other relevant financial instruments;

(c) the consistency of the allocation of budgetary resources with the objective of the operational programme;

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Text proposed by the Commission

Amendment

(d) contribution of the expected outputs to the results;

(d) **the** contribution of the expected outputs to the **objectives of the Fund**;

(da) **the effective engagement of relevant stakeholders in the design and implementation of the operational programme**;

(e) the suitability of the procedures for monitoring the operational programme and for collecting the data necessary to carry out evaluations.

(e) the suitability of the procedures for monitoring the operational programme and for collecting the data necessary to carry out evaluations.

#### Amendment 50

#### Proposal for a regulation

#### Article 15

Text proposed by the Commission

Amendment

1. During the programming period, the managing authority **may carry out evaluations for assessing** the effectiveness and efficiency of the operational programme.

1. During the programming period, the managing authority **shall evaluate** the effectiveness and efficiency of the operational programme.

2. The managing authority shall carry out a structured survey on end recipients in 2017 and 2021, in accordance with the template provided by the Commission. The Commission shall adopt the template by means of an implementing act. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

2. The managing authority shall carry out a structured survey on end recipients in 2017 and 2021, in accordance with the template provided by the Commission. The Commission shall adopt implementing **acts establishing** the template **after the consultation of relevant stakeholders**. This implementing act shall be adopted in accordance with the advisory procedure referred to in Article 60(2).

3. The Commission may **carry out**, at its own initiative, **evaluation of** operational programmes.

3. The Commission may at its own initiative, **evaluate** operational programmes.

**3a. The Commission shall present a mid-term assessment of the Fund to the European Parliament and to the Council by March 2018 at the latest.**

#### Amendment 51

#### Proposal for a regulation

#### Article 16

Text proposed by the Commission

Amendment

At its own initiative and in close cooperation with the Member States, the Commission shall carry out, with the assistance of external experts, an ex-post evaluation, to assess the effectiveness and sustainability of results obtained as well as to measure the added value of the Fund. This ex post evaluation shall be completed by 31 December 2023.

At its own initiative and in close cooperation with the Member States, the Commission shall carry out, with the assistance of external experts, an ex-post evaluation, to assess the effectiveness **and efficiency of the fund** and **the** sustainability of results obtained, as well as to measure the added value of the Fund. This ex post evaluation shall be completed by 31 December 2023.

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**Amendment 52**  
**Proposal for a regulation**  
**Article 17**

*Text proposed by the Commission*

1. The Member States shall provide information on and promote the actions supported by the Fund. The information shall be addressed to the most deprived persons, **the media and** the wider public. It shall highlight the role of the Union and ensure that the contribution from the Fund is visible.

2. The managing authority shall, in order to maintain transparency in the support of the Fund, maintain a list of operations supported by the Fund in CSV or XML format which shall be accessible through a website. The list shall include at least information on the beneficiary name, its address and allocated amount of Union funding as well as the type of material deprivation addressed.

The list of operations shall be updated at least every twelve months.

3. During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing at least one poster with information about the operation (minimum size A3), including about the financial support from Union, at a location readily visible to the public, at each place of provision of food, **goods** and any accompanying measure, except if this is not possible due to the circumstances of the distribution.

Those beneficiaries and partner organisations which have websites shall also provide a short description of the operation, including its aims and results, and highlighting the financial support from the Union.

4. All information and communication measures undertaken by the beneficiary and the partner organisations shall acknowledge support from the Fund to the operation by displaying the emblem of the Union together with a reference to the Union and the Fund.

*Amendment*

1. The **Commission and the** Member States shall provide information on and promote the actions supported by the Fund. The information shall, **in particular**, be addressed to the most deprived persons, **as well as to** the wider public **and the media**. It shall highlight the role of the Union and ensure that the contribution from the Fund, **the Member States and the partner organisations regarding the Union's social cohesion objectives** is visible **without stigmatising end recipients**.

2. The managing authority shall, in order to maintain transparency in the support of the Fund, maintain a list of operations supported by the Fund in CSV or XML format which shall be accessible through a website. The list shall include at least information on the beneficiary name, its address and allocated amount of Union funding as well as the type of material deprivation addressed.

The list of operations shall be updated at least every twelve months.

3. During the implementation of an operation, the beneficiaries and partner organisations shall inform the public about the support obtained from the Fund by placing **either** at least one poster with information about the operation (minimum size A3), including about the financial support from Union **or a European Union flag of reasonable size**, at a location readily visible to the public, at each place of provision of food **and/or basic material assistance** and any accompanying measure **without stigmatising end-recipients**, except if this is not possible due to the circumstances of the distribution.

Those beneficiaries and partner organisations which have websites shall also provide a short description of the operation, including its aims and results, and highlighting the financial support from the Union.

4. All information and communication measures undertaken by the beneficiary and the partner organisations shall acknowledge support from the Fund to the operation by displaying the emblem of the Union together with a reference to the Union and the Fund.

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*Text proposed by the Commission*

5. The managing authority shall inform beneficiaries of publication of the list of operations in accordance with paragraph 2. The managing authority shall provide information and publicity kits, including templates in electronic format, to help beneficiaries and partner organisations to meet their obligations as set out in paragraph 3.

6. In processing personal data pursuant to **this Article**, the managing authority as well as the beneficiaries and partner organisations shall comply with Directive 95/46/EC.

*Amendment*

5. The managing authority shall inform beneficiaries of publication of the list of operations in accordance with paragraph 2. The managing authority shall provide information and publicity kits, including templates in electronic format, to help beneficiaries and partner organisations to meet their obligations as set out in paragraph 3.

6. In processing personal data pursuant to **Articles 13 to 17**, the managing authority as well as the beneficiaries and partner organisations shall comply with Directive 95/46/EC.

**Amendment 53****Proposal for a regulation****Article 18***Text proposed by the Commission*

1. The co-financing rate at the level of the operational programme **shall not be higher than** 85 % of the public eligible expenditure.

2. The Commission decision adopting an operational programme shall fix the co-financing rate applicable to the operational programme and the maximum amount of support from the Fund.

3. The technical assistance measures implemented at the initiative of, or on behalf of, the Commission may be financed at the rate of 100 %.

*Amendment*

1. The co-financing rate at the level of the operational programme **amounts to** 85 % of the public eligible expenditure. **It may be increased in the cases described in Article 19(1). Member States shall be free to support the Fund's initiatives with additional national resources.**

**1a. Beneficiaries shall not under any circumstance co-finance operations of the Fund.**

2. The Commission decision adopting an operational programme shall fix the co-financing rate applicable to the operational programme and the maximum amount of support from the Fund.

3. The technical assistance measures implemented at the initiative of, or on behalf of, the Commission may be financed at the rate of 100 %.

**Amendment 54****Proposal for a regulation****Article 19***Text proposed by the Commission*

1. At the request of a Member State, interim payments and payments of the final balance may be increased by 10 percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100 %, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

(a) where the Member State concerned has adopted the euro, it receives macrofinancial assistance from the Union in accordance with Council Regulation (EU) No 407/2010;

*Amendment*

1. At the request of a Member State, interim payments and payments of the final balance may be increased by 10 percentage points above the co-financing rate applicable to the operational programme. The increased rate, which can not exceed 100 %, shall apply to requests for payment relating to the accounting period in which the Member State has submitted its request and subsequent accounting periods during which the Member State meets one of the following conditions:

(a) where the Member State concerned has adopted the euro, it receives macrofinancial assistance from the Union in accordance with Council Regulation (EU) No 407/2010;

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*Text proposed by the Commission*

(b) where the Member State concerned has not adopted the euro, it receives medium-term financial assistance in accordance with Council Regulation (EC) No 332/2002;

(c) financial assistance is made available to it in accordance with the Treaty establishing the European Stability Mechanism.

2. Notwithstanding paragraph 1, Union support through interim payments and payments of the final balance shall not be higher than the public support and the maximum amount of support from the Fund, as laid down in the Commission decision approving the operational programme.

*Amendment*

(b) where the Member State concerned has not adopted the euro, it receives medium-term financial assistance in accordance with Council Regulation (EC) No 332/2002;

(c) financial assistance is made available to it in accordance with the Treaty establishing the European Stability Mechanism.

2. Notwithstanding paragraph 1, Union support through interim payments and payments of the final balance shall not be higher than the public **and/or private** support and the maximum amount of support from the Fund, as laid down in the Commission decision approving the operational programme.

## Amendment 55

### Proposal for a regulation

#### Article 21

*Text proposed by the Commission*

1. Operations supported by the operational programme shall be located in the Member State covered by the operational programme.

2. Operations may receive support from the operation programme provided that they have been selected in accordance with a fair and transparent procedure, on the basis of the criteria laid down in the operational programme.

3. The food and the **goods** for **homeless persons or for children** may be purchased by the partner organisations themselves.

They may also be purchased by a public body and made available free of charge to the partner organisations. **In that case, the food may be obtained from the use, processing or sale of the products in intervention stocks made available in accordance with Article 15 of the Regulation (EU) No [CMO], provided that this is economically the most favourable option and does not unduly delay the delivery of the food products to the partner organisations. Any amount derived from a transaction concerning those stocks shall be used for the benefit of the most deprived persons, and shall not be applied so as to diminish the obligations of the Member States, provided in Article 18 of this Regulation, to co-finance the programme.**

*Amendment*

1. Operations supported by the operational programme shall be located in the Member State covered by the operational programme.

2. Operations may receive support from the operation programme provided that they have been selected in accordance with a fair and transparent procedure, on the basis of the criteria laid down in the operational programme.

3. The food and/or the **items for basic material assistance** for **the personal use of the end recipients** may be purchased by the partner organisations themselves.

They may also be purchased by a public body and made available free of charge to the partner organisations. **The partner organisations may, in addition, distribute food supplies coming from other sources including** intervention stock made available under Article 15 of the Regulation (EU) No. ... [CMO].



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Text proposed by the Commission

The Commission shall apply the procedures adopted pursuant to Article 19(e) of the Regulation (EU) No [CMO] by which the products in intervention stocks may be used, processed or sold for the purposes of this Regulation, in order to ensure the most efficient possible use of the intervention stocks and proceeds thereof.

4. That material assistance shall be distributed free of charge to the most deprived persons.

5. An operation supported by the Fund shall not receive support from another Union instrument.

Amendment

The Commission shall apply the procedures adopted pursuant to Article 19(e) of the Regulation (EU) No [CMO] by which the products in intervention stocks may be used, processed or sold for the purposes of this Regulation, in order to ensure the most efficient possible use of the intervention stocks and proceeds thereof.

4. ***The food and/or the items for basic*** material assistance shall be distributed free of charge to the most deprived persons ***without any exception.***

5. An operation supported by the Fund shall not receive support from another Union instrument ***in order to avoid double funding. However, beneficiaries shall not be prevented from applying to use other European Funds such as the ESF to undertake complementary actions aimed at addressing poverty relief and social inclusion.***

#### Amendment 56

#### Proposal for a regulation

#### Article 24

Text proposed by the Commission

1. The costs eligible for a support from the operational programme shall be:

(a) the costs of purchasing food and basic ***consumer goods*** for personal use of ***homeless persons or of children;***

(b) where a public body purchases the food or basic consumer goods for personal use of ***homeless persons or of children*** and provide them to partner organisations, the costs of transporting ***of*** food or ***goods*** to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

(c) the administrative, transport and storage costs borne by the partner organisations at a flat rate of 5 % of the costs referred to in point (a);

Amendment

1. The costs eligible for a support from the operational programme shall be:

(a) the costs of purchasing food ***and items for basic material assistance*** for the personal use of ***end-recipients;***

(b) where a public body purchases the food or basic consumer goods for ***the*** personal use of ***end-recipients and provides*** them to partner organisations, the costs of transporting food or ***items for basic material assistance*** to the storage depots of the partner organisations at a flat rate of 1 % of the costs referred to in point (a);

(c) the administrative, transport and storage costs borne by the partner organisations at a flat rate of 5 % of the costs referred to in point (a); ***or 5 % of the value of the food intervention stocks transferred in accordance with Article 15 of the Regulation (EU) No ../... [CMO];***

(ca) ***the administrative, transport, and storage costs borne by the partner organisations in relation to the collection of food waste.***

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| <i>Text proposed by the Commission</i>  | <i>Amendment</i>  |
|---|---|
| (d) the costs of social inclusion activities undertaken and declared by the partner organisations delivering directly the material assistance to the <b>most deprived persons</b> at a flat rate of 5 % of the costs referred to in point (a);                                  | (d) the costs of social inclusion activities undertaken and declared by the partner organisations delivering directly <b>or indirectly</b> the <b>basic</b> material assistance to the <b>end recipients</b> at a flat rate of 5 % of the costs referred to in point (a)        |
| (e) costs incurred pursuant to Article 25.  | (e) costs incurred pursuant to Article 25.  |
| 2. The following costs shall not be eligible for a support from the operational programme:  | 2. The following costs shall not be eligible for a support from the operational programme:  |
| (a) interest on debt;   | (a) interest on debt;   |
| (b) costs of second-hand goods;   | (b) costs of second-hand goods;   |
| (c) value added tax. However, VAT amounts shall be eligible where they are not recoverable under national VAT legislation and are paid by a beneficiary other than a non-taxable person as defined in the first subparagraph of Article 13(1) of Council Directive 2006/112/EC. | (c) value added tax. However, VAT amounts shall be eligible where they are not recoverable under national VAT legislation and are paid by a beneficiary other than a non-taxable person as defined in the first subparagraph of Article 13(1) of Council Directive 2006/112/EC. |

#### Amendment 57

##### Proposal for a regulation

##### Article 28 — paragraph 4

| <i>Text proposed by the Commission</i>  | <i>Amendment</i>   |
|---|--|
| 4. The Member State shall designate a national public authority or body, functionally independent from the managing authority and the certifying authority, as audit authority. | 4. The Member State shall designate a national public authority or body, functionally independent from the managing authority and the certifying authority, as audit authority. <b>The national audit office or the national court of auditors may be designated as the audit authority.</b> |

#### Amendment 58

##### Proposal for a regulation

##### Article 29 — paragraph 4 — point e

| <i>Text proposed by the Commission</i>   | <i>Amendment</i>  |
|--|---|
| (o) draw up the management declaration and annual summary referred to in <b>Article 56 (5)(a) and (b)</b> of the Financial Regulation. | (e) draw up the management declaration and annual summary referred to in <b>Article 59(5)(a) and (b)</b> of the Financial Regulation. |

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**Amendment 59****Proposal for a regulation****Article 30 — paragraph 1 — point 2***Text proposed by the Commission*

2. drawing up the annual accounts referred to in Article 56 (5) (a) of the Financial Regulation;

*Amendment*

2. drawing up the annual accounts referred to in Article 59(5) (a) of the Financial Regulation;

**Amendment 60****Proposal for a regulation****Article 30 — paragraph 1 — point 8***Text proposed by the Commission*

8. keeping an account of amounts recoverable and of amounts withdrawn following cancellation of all or part of the contribution for an operation. Amounts recovered shall be repaid to the **general budget of the Union** prior to the closure of the operational programme by deducting them from the next statement of expenditure.

*Amendment*

8. keeping an account of amounts recoverable and of amounts withdrawn following cancellation of all or part of the contribution for an operation. Amounts recovered shall be repaid to the **Fund** prior to the closure of the operational programme by deducting them from the next statement of expenditure.

**Amendment 61****Proposal for a regulation****Article 31 — paragraph 4***Text proposed by the Commission*

4. The audit authority shall, within six months of adoption of the operational programme, prepare an audit strategy for performance of audits. The audit strategy shall set out the audit methodology, the sampling method for audits on operations and the planning of audits in relation to the current accounting year and the two subsequent accounting years. The audit strategy shall be updated annually from 2016 until and including 2022. The audit authority shall submit the audit strategy to the Commission **upon request**.

*Amendment*

4. The audit authority shall, within six months of adoption of the operational programme, prepare an audit strategy for performance of audits. The audit strategy shall set out the audit methodology, the sampling method for audits on operations and the planning of audits in relation to the current accounting year and the two subsequent accounting years. The audit strategy shall be updated annually from 2016 until and including 2022. The audit authority shall submit the audit strategy to the Commission. **The Commission shall be empowered to request that the audit authority introduces changes to its audit strategy, which, in its view, are necessary for ensuring that audits are carried out in a proper manner, in accordance with the internationally accepted audit standards. In doing so the Commission shall ensure that performance audit has been sufficiently taken into account.**

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### Amendment 62

#### Proposal for a regulation

#### Article 31 — paragraph 5 — subparagraph 1 — point a

*Text proposed by the Commission*

(r) an audit opinion in accordance with Article 56 (5) of the Financial Regulation;

*Amendment*

(a) an audit opinion in accordance with Article 59(5) of the Financial Regulation;

### Amendment 63

#### Proposal for a regulation

#### Article 33 — paragraph 3

*Text proposed by the Commission*

3. The Commission **may** require a Member **State** to take the actions necessary to ensure the effective functioning of their management and control systems or the correctness of expenditure in accordance with this Regulation.

*Amendment*

3. The Commission **shall** require Member **States** to take the actions necessary to ensure the effective functioning of their management and control systems or the correctness of expenditure in accordance with this Regulation.

### Amendment 64

#### Proposal for a regulation

#### Article 35 — paragraph 1

*Text proposed by the Commission*

The budget commitments of the Union in respect of each operational programme shall be made in annual instalments during the period between 1 January 2014 and 31 December 2020. The decision of the Commission adopting the operational programme shall constitute the financing decision within the meaning of **Article 81(2)** of the Financial Regulation and once notified to the Member State concerned, a legal commitment within the meaning of that Regulation.

*Amendment*

The budget commitments of the Union in respect of each operational programme shall be made in annual instalments during the period between 1 January 2014 and 31 December 2020. The decision of the Commission adopting the operational programme shall constitute the financing decision within the meaning of **Article 84(2)** of the Financial Regulation and once notified to the Member State concerned, a legal commitment within the meaning of that Regulation.

### Amendment 65

#### Proposal for a regulation

#### Article 45 — paragraph 1

*Text proposed by the Commission*

1. For each year from 2015 until and including 2022, by 15 February of the year following the end of the accounting period, the designated bodies shall submit to the Commission the following documents and information in accordance with Article 56 of the Financial Regulation:

(dd) the certified annual accounts of the relevant bodies designated pursuant to Article 32 as referred to in Article 56(5) of the Financial Regulation;

*Amendment*

1. For each year from 2015 until and including 2022, by 15 February of the year following the end of the accounting period, the designated bodies shall submit to the Commission the following documents and information in accordance with Article 59 of the Financial Regulation:

(a) the certified annual accounts of the relevant bodies designated pursuant to Article 32 as referred to in Article 59(5) of the Financial Regulation;

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*Text proposed by the Commission**Amendment*

- (ee) the management declaration as referred to in Article **56(5)** of the Financial Regulation;
- (ff) an annual summary of the final audit reports and of controls carried out, including an analysis of the nature and extent of errors and of weaknesses, as well as corrective actions taken or planned;
- (gg) an audit opinion by the designated independent audit body as referred in Article **56(5)** of the Financial Regulation, accompanied by a control report setting out the findings of the audits carried out relating to the accounting year covered by the opinion.

- (b) the management declaration as referred to in Article **59(5)** of the Financial Regulation;
- (c) an annual summary of the final audit reports and of controls carried out, including an analysis of the nature and extent of errors and of weaknesses, as well as corrective actions taken or planned;
- (d) an audit opinion by the designated independent audit body as referred in Article **59(5)** of the Financial Regulation, accompanied by a control report setting out the findings of the audits carried out relating to the accounting year covered by the opinion.

**Amendment 66****Proposal for a regulation****Article 48 — paragraph 1***Text proposed by the Commission**Amendment*

1. The managing authority shall ensure that all supporting documents on operations are made available to the Commission and the European Court of Auditors upon request for a period of **three** years. This **three** year period shall run from **31 December of the year of the decision on acceptance of accounts by the Commission pursuant to Article 47 or, at the latest, from the date of payment of the final balance.**

1. The managing authority shall ensure that all supporting documents on operations are made available to the Commission and the European Court of Auditors upon request for a period of **five** years. This **five** year period shall run from the date of payment of the final balance.

This **three** year period shall be interrupted either in the case of legal or administrative proceedings or by a duly justified request of the Commission.

This **five** year period shall be interrupted either in the case of legal or administrative proceedings or by a duly justified request of the Commission.

**Amendment 67****Proposal for a regulation****Article 60 a (new)***Text proposed by the Commission**Amendment***Article 60a****Transitional provisions**

**The Commission and the Member States shall ensure via transitional provisions that activities eligible for support can start as of 1 January 2014, even if operational programmes have not yet been submitted.**

Wednesday 12 June 2013

**Amendment 68**  
**Proposal for a regulation**  
**Article 61**

*Text proposed by the Commission*

This Regulation shall enter into force on the **twentieth** day **after publication** following that of its publication in the *Official Journal of the European Union*.

*Amendment*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

P7\_TA(2013)0258

**Establishment of ‘Eurodac’ for the comparison of fingerprints \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the amended proposal for a regulation of the European Parliament and of the Council on the establishment of ‘EURODAC’ for the comparison of fingerprints for the effective application of Regulation (EU) No [...] (establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person) and to request comparisons with EURODAC data by Member States’ law enforcement authorities and Europol for law enforcement purposes and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) (COM(2012)0254 — C7-0148/2012 — 2008/0242(COD))**

(Ordinary legislative procedure — recast)

(2016/C 065/43)

*The European Parliament,*

- having regard to the amended Commission proposal to Parliament and the Council (COM(2012)0254),
  - having regard to Article 294(2), Article 78(2)(e), Article 87(2)(a) and Article 88(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0148/2012),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts <sup>(1)</sup>,
  - having regard to the letter of 20 September 2012 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 87(3) of its Rules of Procedure,
  - having regard to the undertaking given by the Council representative by letter of 27 March 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 Rules 87 and 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0432/2012),
- 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 together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

<sup>(1)</sup> OJ C 77, 28.3.2002, p. 1.

Wednesday 12 June 2013

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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#### **P7\_TC1-COD(2008)0242**

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 603/2013.)*

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P7\_TA(2013)0259

#### **Temporary reintroduction of border control at internal borders \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (COM(2011) 0560 — C7-0248/2011 — 2011/0242(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/44)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0560),
- having regard to Article 294(2) and Article 77(1) and (2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0248/2011),
- 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 French National Assembly, the Netherlands Senate, the Netherlands House of Representatives, the Portuguese Parliament, the Romanian Senate, the Slovak Parliament, and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the undertaking given by the Council representative by letter of 30 May 2013 to approve Parliament's position, in accordance with Article 294 (4) of the Treaty on the Functioning of the European Union,

**Wednesday 12 June 2013**

- having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0200/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Approves the joint statement by Parliament, the Council and the Commission, annexed to this resolution;
  3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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### **P7\_TC1-COD(2011)0242**

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1051/2013.)*

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#### **ANNEX TO THE LEGISLATIVE RESOLUTION**

##### **Joint statement from the European Parliament, the Council and the Commission**

The European Parliament, the Council and the Commission welcome the adoption of the Regulation amending the Schengen Borders Code in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances and of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis. They believe that these new mechanisms address adequately the call of the European Council in its Conclusions of 24 June 2011 for an enhancement of the cooperation and the mutual trust between the Member States in the Schengen area and for an effective and reliable monitoring and evaluation system in order to ensure the enforcement of common rules and the strengthening, adaptation and extension of the criteria based on the EU acquis, while recalling that Europe's external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation.

They state that this amendment to the Schengen Borders Code will reinforce the coordination and cooperation at the level of the Union by providing on the one hand for criteria for any reintroduction of border controls by Member States and on the other hand for an EU-based mechanism to respond to truly critical situations where the overall functioning of the area without internal border controls is put at risk.

They underline that this new evaluation system is an EU-based mechanism and that it will cover all aspects of the Schengen acquis and involve experts from the Member States, the Commission and relevant EU agencies.

They understand that any future proposal from the Commission for amending this evaluation system would be submitted to the consultation of the European Parliament in order to take into consideration its opinion, to the fullest extent possible, before the adoption of a final text.

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Wednesday 12 June 2013

P7\_TA(2013)0260

**Establishment of an evaluation mechanism to verify application of the Schengen acquis \*****European Parliament legislative resolution of 12 June 2013 on the draft Council regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis (10273/2013 — C7-0160/2013 — 2010/0312(NLE))****(Special legislative procedure — consultation)**

(2016/C 065/45)

*The European Parliament,*

- having regard to the Council draft (10273/2013),
  - having regard to Article 70 of the Treaty on the Functioning of the European Union,
  - having regard to the request for an opinion received from the Council (C7-0160/2013),
  - having regard to the undertaking given by the Council representative by letter of 30 May 2013 to adopt the act in the form as transmitted to Parliament,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0215/2013),
1. Approves the Council draft;
  2. Approves the joint statement by Parliament, the Council and the Commission, annexed to this resolution;
  3. Instructs its President to forward its position to the Council and the Commission.

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**ANNEX TO THE LEGISLATIVE RESOLUTION****Joint statement by the European Parliament, the Council and the Commission**

The European Parliament, the Council and the Commission welcome the adoption of the Regulation amending the Schengen Borders Code in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances and of the Regulation on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*. They believe that these new mechanisms address adequately the call of the European Council in its Conclusions of 24 June 2011 for an enhancement of the cooperation and the mutual trust between the Member States in the Schengen area and for an effective and reliable monitoring and evaluation system in order to ensure the enforcement of common rules and the strengthening, adaptation and extension of the criteria based on the EU *acquis*, while recalling that Europe's external borders must be effectively and consistently managed, on the basis of common responsibility, solidarity and practical cooperation.

They state that this amendment to the Schengen Borders Code will reinforce the coordination and cooperation at the level of the Union by providing on the one hand for criteria for any reintroduction of border controls by Member States and on the other hand for an EU-based mechanism to respond to truly critical situations where the overall functioning of the area without internal border controls is put at risk.

Wednesday 12 June 2013

They underline that this new evaluation system is an EU-based mechanism and that it will cover all aspects of the Schengen *acquis* and involve experts from the Member States, the Commission and relevant EU agencies.

They understand that any future proposal from the Commission for amending this evaluation system would be submitted to the consultation of the European Parliament in order to take into consideration its opinion, to the fullest extent possible, before the adoption of a final text.

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P7\_TA(2013)0261

### **Financial statements and related reports of certain types of undertakings \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (COM(2011)0684 — C7-0393/2011 — 2011/0308(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/46)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0684),
- having regard to Article 294(2) and Article 50(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0393/2011),
- 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 29 March 2012 <sup>(1)</sup>,
- having regard to the opinion of the Committee of Regions of 19 July 2012 <sup>(2)</sup>,
- having regard to the undertaking given by the Council representative by letter of 17 April 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 Legal Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development and the Committee on Economic and Monetary Affairs (A7-0278/2012),

1. Adopts its position at first reading hereinafter set out;

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<sup>(1)</sup> OJ C 181, 21.6.2012, p. 84.

<sup>(2)</sup> OJ C 277, 13.9.2012, p. 171.

Wednesday 12 June 2013

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.

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**P7\_TC1-COD(2011)0308**

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, directive 2013/34/EU.)*

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**P7\_TA(2013)0262**

**Transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a directive of the European Parliament and of the Council amending Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and Commission Directive 2007/14/EC (COM(2011)0683 — C7-0380/2011 — 2011/0307(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/47)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0683),
- having regard to Article 294(2) and Articles 50 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0380/2011),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Central Bank of 10 February 2012 <sup>(1)</sup>,
- having regard to the opinion of the European Economic and Social Committee of 22 February 2012 <sup>(2)</sup>,
- having regard to the undertaking given by the Council representative by letter of 29 May 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 Legal Affairs and the opinions of the Committee on Economic and Monetary Affairs, the Committee on Development and the Committee on International Trade (A7-0292/2012),

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<sup>(1)</sup> OJ C 93, 30.3.2012, p. 2.

<sup>(2)</sup> OJ C 143, 22.5.2012, p. 78.

Wednesday 12 June 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.

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#### P7\_TC1-COD(2011)0307

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market, Directive 2003/71/EC of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and Commission Directive 2007/14/EC laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, directive 2013/50/EU.)*

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P7\_TA(2013)0263

#### **Adjustment rate to direct payments provided for in Regulation (EC) No 73/2009 in respect of calendar year 2013 \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council on fixing an adjustment rate to direct payments provided for in Regulation (EC) No 73/2009 in respect of calendar year 2013 (COM(2013)0159 — C7-0079/2013 — 2013/0087(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/48)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0159),
  - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0079/2013),
  - 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 22 May 2013 <sup>(1)</sup>,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on Budgets (A7-0186/2013),
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;

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<sup>(1)</sup> Not yet published in the Official Journal.

Wednesday 12 June 2013

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### P7\_TC1-COD(2013)0087

#### **Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on fixing an adjustment rate to direct payments provided for in Regulation (EC) No 73/2009 in respect of calendar year 2013**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Article 11(1) of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers <sup>(3)</sup> lays down that in financial year 2014, the amounts for the financing of the market related expenditure and direct payments of the Common Agricultural Policy (CAP) have to respect the annual ceilings set out in application of the Regulation adopted by the Council pursuant to Article 312(2) of the Treaty on the Functioning of the European Union. Article 11(1) of Regulation (EC) No 73/2009 also lays down that an adjustment of the direct payments (financial discipline) has to be determined when the forecasts for the financing of the direct payments and market related expenditures, increased by the amounts resulting from the application of Articles 10b and 136 of that Regulation but before the application of Article 10a thereof and without taking into account the margin of EUR 300 000 000, indicate that the annual ceiling will be exceeded. In accordance with Article 11(2) of Regulation (EC) No 73/2009, the European Parliament and the Council have to determine that adjustment by 30 June based on a proposal from the Commission to be presented no later than 31 March of the calendar year in respect of which the adjustment applies.
- (2) ***Pending the adoption of a regulation laying down the multiannual financial framework on the basis of Article 312(2) of the Treaty on the Functioning of the European Union, the level of the applicable ceiling for the year 2014 remains uncertain. Until there is clarity on the level of the applicable ceiling, it is not possible to determine whether an adjustment of the direct payments for 2013 is necessary and, if so, what the rate should be. The amount of financial discipline required should be revised by the budgetary authority in the framework of the adoption of the Budget 2014 on the basis inter alia of the Amending letter to the Draft General Budget 2014 by which the Commission provides updated estimated needs on market related expenditures and direct payments. [Am. 1]***
- (3) As a general rule, farmers submitting an aid application for direct payments for one calendar year (N) are paid within a fixed payment period falling under the financial year (N+1). However, Member States have the possibility to make late payments, within certain limits, to farmers beyond this payment period without any time limits. Such late payments may fall in a later financial year. When financial discipline is applied for a given calendar year, the adjustment rate should not be applied to payments for which aid applications have been submitted in the calendar years other than that for which the financial discipline applies. Therefore, in order to ensure equal treatment of

<sup>(1)</sup> Opinion of 22 May 2013 (not yet published in the Official Journal).

<sup>(2)</sup> Position of the European Parliament of 12 June 2013.

<sup>(3)</sup> OJ L 30, 31.1.2009, p. 16.

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farmers, it is appropriate to provide that the adjustment rate should be applied to payments for which aid applications have been submitted in the calendar year for which the financial discipline is applied, irrespectively of when the payment is made to farmers.

- (4) The mechanism of the financial discipline, together with the modulation, was introduced with the 2003 CAP reform. Both instruments provided for a linear reduction of the amount of direct payments to be granted to farmers. Taking into account the implications of the unequal distribution of direct payments between small and large beneficiaries, modulation has been applied to amounts in excess of EUR 5 000 in order to achieve a more balanced distribution of payments. In respect of calendar year 2013, the adjustment of direct payments referred to in Article 10a of Regulation (EC) No 73/2009 continues to provide for the same exemption as the modulation. The financial discipline should be applied in a similar way to also contribute to achieving the objective of a more balanced distribution of payments; therefore, it is appropriate to provide for the application of the adjustment rate only for amounts in excess of EUR 5 000.
- (5) Article 11(3) of Regulation (EC) No 73/2009 lays down that in the framework of the application of the schedule of increments provided for in Article 121 of that Regulation to all direct payments granted in the new Member States within the meaning of Article 2(g) of that Regulation, the financial discipline should not apply to the new Member States until the beginning of the calendar year in respect of which the level of direct payments applicable in the new Member States is at least equal to the then applicable level of such payments in the other Member States. Since the direct payments are still subject to the application of the schedule of increments in calendar year 2013 in Bulgaria and Romania, the adjustment rate to be determined by the present Regulation should not apply to payments to farmers in those Member States.
- (6) Regulation (EC) No 73/2009 has been adapted by the Act concerning the conditions of accession of the Republic of Croatia. The amendments resulting from the adaptation in question will enter into force only subject to and on the date of the entry into force of the Treaty concerning the accession of the Republic of Croatia to the European Union. Since Croatia is subject to the application of the schedule of increments provided for in Article 121 of Regulation (EC) No 73/2009 in calendar year 2013 the adjustment rate to be determined by the present Regulation should not apply to payments to farmers in Croatia, subject to its accession and as of the date of its accession,

HAVE ADOPTED THIS REGULATION:

#### Article 1

1. The amounts of direct payments within the meaning of Article 2(d) of Regulation (EC) No 73/2009 to be granted to a farmer in excess of EUR 5 000 for an aid application submitted in respect of calendar year 2013 shall be reduced by **0,748005 %**. [Am. 2]

**1a. In the event of non-agreement on the multiannual financial framework 2014-2020, no financial discipline for the 2014 financial year shall apply, since the total amount will be calculated on the basis of the 2013 budget figures, plus 2 % inflation.** [Am. 3]

2. The reduction provided for in paragraph 1 shall not apply in Bulgaria, Romania and Croatia.

**2a. The reduction provided for in paragraph 1 shall not apply to the outermost regions which are the subject of Article 349 of the Treaty on the Functioning of the European Union or to the smaller Aegean islands as defined in Article 1(2) of Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands<sup>(1)</sup>.** [Am. 12]

#### Article 1a

1. **The provisions of Articles 1 and 2 are adopted without prejudice to the subsequent adoption of Regulation (EU) No [XX/XX of ... laying down the multiannual financial framework for the years 2014-2020] and the Inter-institutional agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and sound financial management.**

<sup>(1)</sup> OJ L 78, 20.3.2013, p. 41.

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2. *In the event that a correction to the adjustment rate defined in Article 1(1) is required as a consequence of the adoption of the Regulation and Inter-institutional agreement referred to in paragraph 1, the Commission shall submit a proposal to the European Parliament and to the Council concerning the fixing of a new adjustment rate.*

3. *The amount of financial discipline required shall be revised by the budgetary authority in the framework of the adoption of the Budget 2014 on the basis inter alia of the Amending letter to the Draft General Budget 2014 by which the Commission provides updated estimated needs on market related expenditures and direct payments. [Am. 4]*

#### Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

Article 1(2) shall apply to Croatia subject to and on the date of the entry into force of the Treaty of Accession of Croatia.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament  
The President

For the Council  
The President

P7\_TA(2013)0264

### **Amendment of Schengen border code and Convention implementing the Schengen Agreement \*\*\*I**

**European Parliament legislative resolution of 12 June 2013 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement (COM(2011)0118 — C7-0070/2011 — 2011/0051(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/49)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0118),
- having regard to Article 294(2) and Article 77(1) and (2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0070/2011),
- having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the undertakings given by the Council representative by letter of 19 December 2012 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 and Rule 37 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0206/2013),

1. Adopts its position at first reading hereinafter set out;

Wednesday 12 June 2013

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.

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#### **P7\_TC1-COD(2011)0051**

**Position of the European Parliament adopted at first reading on 12 June 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 610/2013.)*

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P7\_TA(2013)0265

#### **Draft decision of the European Council establishing the composition of the European Parliament \*\*\***

**European Parliament legislative resolution of 12 June 2013 on the draft European Council decision establishing the composition of the European Parliament (00110/2013 — C7-0166/2013 — 2013/0900(NLE))**

**(Consent)**

(2016/C 065/50)

*The European Parliament,*

- having regard to the draft European Council decision establishing the composition of the European Parliament (00110/2013),
- having regard to the request for consent submitted by the European Council in accordance with the second subparagraph of Article 14(2) of the Treaty on European Union (C7-0166/2013),
- having regard to its resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections and to its proposal for a decision of the European Council annexed thereto <sup>(1)</sup>,
- having regard to Rules 74f and 81(1) of its Rules of Procedure,
- having regard to the recommendation of the Committee on Constitutional Affairs (A7-0213/2013)

1. Consents to the draft European Council decision;
2. Instructs its President to forward its position to the European Council and to the government and parliament of the Republic of Croatia, and, for information, to the Commission and to the governments and parliaments of the Member States.

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<sup>(1)</sup> Texts adopted, P7\_TA(2013)0082.



Thursday 13 June 2013

P7\_TA(2013)0272

**Stepping-stone Economic Partnership Agreement between the EC and Central Africa \*\*\***

**European Parliament legislative resolution of 13 June 2013 on the draft Council decision concluding the interim agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part (14757/2012 — C7-0369/2012 — 2008/0139(NLE))**

(Consent)

(2016/C 065/51)

*The European Parliament,*

- having regard to the draft Council decision (14757/2012),
  - having regard to the draft Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part (13485/2011),
  - having regard to the request for consent submitted by the Council in accordance with Article 207, Article 211 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0369/2012),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Development (A7-0190/2013),
1. Consents to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Cameroon.

P7\_TA(2013)0273

**Second amendment to the Cotonou Agreement of 23 June 2000 \*\*\***

**European Parliament legislative resolution 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 (16894/2011 — C7-0469/2011 — 2011/0207(NLE))**

(Consent)

(2016/C 065/52)

*The European Parliament,*

- having regard to the draft Council decision (16894/2011),
- having regard to 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 (09565/2010) <sup>(1)</sup>,

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<sup>(1)</sup> OJ L 287, 4.11.2010, p. 3.

Thursday 13 June 2013

- having regard to the request for consent submitted by the Council in accordance with Articles 217 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C7-0469/2011),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Development and the opinion of the Committee on International Trade (A7-0110/2013),
1. Consents to conclusion of the agreement;
  2. Expresses its strongest reservations about parts of the Agreement which do not reflect the position of the European Parliament and the values of the Union;
  3. Urges all parties to revise the unsatisfactory clauses accordingly during a third revision of the Agreement, including the explicit introduction of non-discrimination on the basis of sexual orientation within Article 8(4);
  4. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the members of the African, Caribbean and Pacific Group of States.

P7\_TA(2013)0275

### **Re-use of public sector information \*\*\*I**

**European Parliament legislative resolution of 13 June 2013 on the proposal for a directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information (COM(2011) 0877 — C7-0502/2011 — 2011/0430(COD))**

**(Ordinary legislative procedure: first reading)**

(2016/C 065/53)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0877),
- having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0502/2011),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 25 April 2012 <sup>(1)</sup>,
- having regard to the undertaking given by the Council representative by letter of 19 April 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 Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection, the Committee on Culture and Education and the Committee on Legal Affairs (A7-0404/2012),

<sup>(1)</sup> OJ C 191, 29.6.2012, p. 129.

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Thursday 13 June 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.

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**P7\_TC1-COD(2011)0430**

**Position of the European Parliament adopted at first reading on 13 June 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council amending Directive 2003/98/EC on the re-use of public sector information**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2013/37/EU.)*

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