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P8_TA(2015)0110

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P8_TC1-COD(2015)0026

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P8_TC1-COD(2014)0159

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P8_TC1-COD(2014)0191

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P8_TC1-COD(2014)0206

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P8_TC1-COD(2014)0199

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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

2015-2016 SESSION

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TEXTS ADOPTED

Tuesday 28 April 2015

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2015)0107

Implementation of the Bologna process**European Parliament resolution of 28 April 2015 on follow-up on the implementation of the Bologna Process (2015/2039(INI))**

(2016/C 346/01)

The European Parliament,

- having regard to Article 165 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Universal Declaration of Human Rights, and in particular Article 26 thereof,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular Article 14 thereof,
- having regard to the Sorbonne Joint Declaration on harmonisation of the architecture of the European higher education system by the four Ministers in charge for France, Germany, Italy and the United Kingdom, signed in Paris on 25 May 1998 (Sorbonne Declaration) ⁽¹⁾,
- having regard to the Joint Declaration signed in Bologna on 19 June 1999 by the ministers of education from 29 European countries (Bologna Declaration) ⁽²⁾,
- having regard to the Communiqué issued by the Conference of European Ministers responsible for Higher Education held in Leuven and Louvain-la-Neuve on 28 and 29 April 2009 ⁽³⁾,
- having regard to the Budapest-Vienna Declaration of 12 March 2010 adopted by the Education Ministers from 47 countries, which officially launched the European Higher Education Area (EHEA) ⁽⁴⁾,
- having regard to the communiqué issued by the Ministerial Conference and Third Bologna Policy Forum held in Bucharest on 26 and 27 April 2012 ⁽⁵⁾,
- having regard to the Mobility Strategy 2020 for the European Higher Education Area (EHEA) adopted by the EHEA Ministerial Conference held in Bucharest on 26 and 27 April 2012 ⁽⁶⁾,

⁽¹⁾ http://www.ehea.info/Uploads/Declarations/SORBONNE_DECLARATION1.pdf

⁽²⁾ http://www.ehea.info/Uploads/Declarations/BOLOGNA_DECLARATION1.pdf

⁽³⁾ http://www.ehea.info/Uploads/Declarations/Leuven_Louvain-la-Neuve_Communique%C3%A9_April_2009.pdf

⁽⁴⁾ http://www.ehea.info/Uploads/Declarations/Budapest-Vienna_Declaration.pdf

⁽⁵⁾ [http://www.ehea.info/Uploads/\(1\)/Bucharest%20Communique%202012\(1\).pdf](http://www.ehea.info/Uploads/(1)/Bucharest%20Communique%202012(1).pdf)

⁽⁶⁾ <http://www.ehea.info/Uploads/%281%29/2012%20EHEA%20Mobility%20Strategy.pdf>

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- having regard to Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') ⁽¹⁾,
- having regard to the recommendation of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research ⁽²⁾,
- having regard to the recommendation of the European Parliament and of the Council of 15 February 2006 on further European cooperation in quality assurance in higher education ⁽³⁾,
- having regard to the recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (EQF-LLL) ⁽⁴⁾,
- having regard to the Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020') ⁽⁵⁾,
- having regard to the conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 26 November 2009 on developing the role of education in a fully-functioning knowledge triangle ⁽⁶⁾,
- having regard to the Council conclusions of 11 May 2010 on the internationalisation of higher education ⁽⁷⁾,
- having regard to the Council recommendation of 28 June 2011 on policies to reduce early school leaving ⁽⁸⁾,
- having regard to the Council recommendation of 28 June 2011 entitled 'Youth on the Move — Promoting the learning mobility of young people' ⁽⁹⁾,
- having regard to the Commission communication of 10 May 2006 entitled 'Delivering on the modernisation agenda for universities: education, research and innovation' (COM(2006)0208),
- 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 26 August 2010 on a Digital Agenda for Europe (COM(2010)0245),
- having regard to the Commission communication of 20 September 2011 entitled 'Supporting growth and jobs — an agenda for the modernisation of Europe's higher education systems' (COM(2011)0567),
- having regard to the report entitled 'Higher Education in Europe 2009: Developments in the Bologna Process' (Eurydice, European Commission, 2009) ⁽¹⁰⁾,
- having regard to the report entitled 'Focus on Higher Education in Europe 2010: The Impact of the Bologna Process' (Eurydice, European Commission, 2010) ⁽¹¹⁾,

⁽¹⁾ OJ L 354, 28.12.2013, p. 132.

⁽²⁾ OJ L 289, 3.11.2005, p. 23.

⁽³⁾ OJ L 64, 4.3.2006, p. 60.

⁽⁴⁾ OJ C 111, 6.5.2008, p. 1.

⁽⁵⁾ OJ C 119, 28.5.2009, p. 2.

⁽⁶⁾ OJ C 302, 12.12.2009, p. 3.

⁽⁷⁾ OJ C 135, 26.5.2010, p. 12.

⁽⁸⁾ OJ C 191, 1.7.2011, p. 1.

⁽⁹⁾ OJ C 199, 7.7.2011, p. 1.

⁽¹⁰⁾ http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/099EN.pdf

⁽¹¹⁾ http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/122EN.pdf

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- having regard to the report entitled ‘The European Higher Education Area in 2012: Bologna Process Implementation Report’ (Eurydice, European Commission, 2012) ⁽¹⁾,
 - having regard to the 2007 Eurobarometer survey on higher education reform among teaching professionals ⁽²⁾,
 - having regard to the 2009 Eurobarometer survey on higher education reform among students ⁽³⁾,
 - having regard to the Eurostat publication of 16 April 2009 entitled ‘The Bologna Process in Higher Education in Europe — Key indicators on the social dimension and mobility’ ⁽⁴⁾,
 - having regard to the Final report of the International Conference on Funding of Higher Education held in Yerevan, Armenia, 8-9 September 2011 ⁽⁵⁾,
 - having regard to its resolution of 23 September 2008 on the Bologna Process and student mobility ⁽⁶⁾,
 - having regard to its resolution of 20 May 2010 on ‘University-business dialogue: a new partnership for the modernisation of Europe’s universities’ ⁽⁷⁾,
 - having regard to its resolution of 13 March 2012 on the contribution of the European institutions to the consolidation and progress of the Bologna Process ⁽⁸⁾,
 - having regard to the European Fund for Strategic Investments (EFSI) ⁽⁹⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A8-0121/2015),
- A. whereas the importance of the Bologna Process in the current economic situation should lie in pursuing the goals of developing the highest possible level of knowledge and innovation for citizens through broad access to education and its constant updating, and whereas this should be reflected in the revision of the Europe 2020 strategy, and in the implementation of the Juncker Investment Plan for Europe;
- B. whereas analyses show that almost every third employer in EU has problems when looking for appropriately skilled employees; whereas from the viewpoint of the goal of decreasing the EU’s skills mismatch (the gap between an individual’s job skills and the demands of the job market) the Bologna reform so far has not been very successful; whereas the skills mismatch has become a central challenge for Europe, affecting all areas of society, from the productivity and efficiency of businesses to the current and future welfare of youth;
- C. whereas the youth unemployment problem has not improved much since the beginning of the crisis in 2008; whereas at the end of 2014 there were around 5 million unemployed young people aged under 25 in the EU;
- D. whereas, as having been said by a philosopher, ‘the search for truth and beauty should be the hallmark for Universities’, in addition to their duty of preparing new professionals, scientists, engineers, teachers, doctors, politicians and citizens;
- E. whereas it is important to consider universities as the real main actors of the Bologna Process, beyond the support roles in terms of coordination, regulation and resources of regional and national institutions;

⁽¹⁾ [http://www.ehea.info/Uploads/\(1\)/Bologna%20Process%20Implementation%20Report.pdf](http://www.ehea.info/Uploads/(1)/Bologna%20Process%20Implementation%20Report.pdf)

⁽²⁾ http://ec.europa.eu/public_opinion/flash/fl198_en.pdf

⁽³⁾ http://ec.europa.eu/public_opinion/flash/fl_260_en.pdf

⁽⁴⁾ <http://ec.europa.eu/eurostat/documents/3217494/5713011/KS-78-09-653-EN.PDF/3eb9f4ec-dc39-4e51-a18b-b61eb7c2518b?version=1.0>

⁽⁵⁾ <http://www.ehea.info/news-details.aspx?ArticleId=253>

⁽⁶⁾ OJ C 8 E, 14.1.2010, p. 18.

⁽⁷⁾ OJ C 161 E, 31.5.2011, p. 95.

⁽⁸⁾ OJ C 251 E, 31.8.2013, p. 24.

⁽⁹⁾ Proposal for a regulation of the European Parliament and of the Council on the European Fund for Strategic Investments and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 (COM(2015)0010).

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- F. whereas this intergovernmental initiative, carried out in cooperation with academia, has entailed efforts to provide a common European response to serious problems in many countries, but these have been insufficient;
- G. whereas the real purpose of the Bologna Process is to support mobility and internationalisation, as well as to ensure compatibility and comparability in standards and quality of different higher educational systems while respecting the autonomy of universities and thus contributing to the creation of an authentically democratic European area that offers equal opportunities for citizens;
- H. whereas an assessment is needed of the progress made over the past 15 years that takes into account both the success story in terms of intraregional cooperation and the persistent problems encountered and the uneven extent of achievement of the stated goals;
- I. whereas while in most countries the Bologna Process has been guiding and motivating educational reforms, in some countries it might be perceived as a bureaucratic burden owing to miscommunication and a lack of understanding of its true vision;
- J. whereas it is important to acknowledge the pan-European character of the Bologna Process, as well as the involvement of all its actors, including students, teachers, researchers and non-teaching staff;
- K. whereas continuous and increased financial support for education, training, including vocational training, knowledge and research is crucial, especially in this period of economic crisis;
- L. whereas in this ever-changing context there is a need to reaffirm the political commitment underlying the Bologna Process and the involvement in the realisation of the process of the European institutions, national governments and all other relevant stakeholders;

Role of the Bologna Process

1. Notes that education and research are one of the main pillars of our society when it comes to promoting skills development, growth and jobs creation; underlines that greater investment in education is crucial to effectively tackling poverty, social inequalities and unemployment, notably youth unemployment, and fostering social inclusion;
2. Notes that the Bologna Process could help to tackle the skills mismatch in the EU if it enabled students to acquire and develop the competences required by the labour market, and that by doing this it could achieve the important goal of enhancing the employability of graduates;
3. Is aware of the role the Bologna Process has in the creation of a Europe of Knowledge; highlights that the dissemination of knowledge, education and research is a key element of the Europe 2020 strategy and contributes to fostering European citizenship; also highlights, however, the need for consultation within the higher education community (teachers, students and non-teaching staff) in order to understand the opposition to reforms linked with the Bologna Process, as well as the need to guarantee public education that is free and accessible to all and that responds to the needs of society;
4. Notes that the Bologna reforms resulted in the launching of a European Higher Education Area (EHEA), and have allowed achievements in the past 15 years in making higher education structures more comparable, increasing mobility, providing quality assurance systems and in the recognition of diplomas, improving the quality of educational systems as well as the attractiveness of higher education in Europe;
5. Notes that there is still much work to be done in the Bologna Process in the area of adjusting educational systems to labour market needs and improving overall employability and competitiveness, as well as the attractiveness of higher education in Europe; notes that the European higher education institutions (HEIs) should be able to react quickly to the economic, cultural, scientific and technological changes in the modern society in order to fully use their potential to encourage growth, employability and social cohesion;

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6. Notes the goals for the coming years, and the national priorities for actions to be taken by 2015, as outlined by the 2012 EHEA Ministerial Conference in Bucharest, as well as its recommendations for the 2020 EHEA mobility strategy, advocating the creation of new observatories, new approaches to the various European university communities, and new systems for integrating the members of those university communities into the reform process for this Plan;

Priorities and challenges

7. Calls on EHEA countries to implement common agreed reforms aimed at hastening the achievement of the Bologna Process goals, and strengthening the credibility of the EHEA; encourages support for countries encountering difficulties in implementing these reforms; supports, in this regard, the creation of broad partnerships between countries, regions, and relevant stakeholders;

8. Calls on the Member States to further improve and update the assessment of higher educational establishments, against the standards previously set by education systems at international level and rewarding excellence with a view to the advancement of knowledge, research and science;

9. Highlights the importance of preserving the diversity of teaching, including the diversity of languages; urges the Member States to increase student grants and ensure that they are easily accessible;

10. Points out the need to make further efforts to develop the EHEA, and to build on the progress made in pursuing its objectives and in coordination with the European Area of Education and Training, the European Area of Lifelong Learning (LLL) and the European Research Area;

11. Calls on all stakeholders concerned with the implementation of the Bologna Process to strengthen quality assurance in order to achieve a European higher education area that improves its attractiveness as a reference of academic excellence worldwide;

12. Calls on the Member States, the EHEA countries and the EU as a whole to foster public understanding of and support for the Bologna Process, including action at grassroots level to achieve more effective and dynamic involvement in reaching its goals;

13. Points out that the Commission, as a member of the Bologna Process, has an important role in developing the EHEA, and calls on it to further its role in reinvigorating the Process and accelerating the efforts to achieve the stated goals;

14. Points out the need to include quality of education and research in the tertiary sector in the stated goals; considers that one of the indicators of fulfilment of those goals would be increasing the employability of graduates, which is also an objective of the Europe 2020 strategy;

15. Calls for a dialogue to be pursued between governments, higher education institutions (HEIs), and research institutes in order to target, maximise, and make more efficient use of available funds and seek new and diverse models for funding to complement public funding; also stresses the importance of Horizon 2020 in driving collaborative research projects amongst European HEIs, and is concerned at the continued attempts to cut its funding while other areas of the budget remain unchallenged;

16. Calls on the governments to improve the efficiency of use of public funding in education and to respect the EU headline target of investing 3 % of Union GDP in R&D by 2020; stresses that ambitious funding of education and research is necessary, as they constitute one of the key tools for ensuring access to quality education for all, as well as fighting the economic crisis and unemployment;

17. Notes the potential funding opportunities for higher education, vocational education and training that should be provided by the EFSI; expresses its deep concern at the planned cuts in funds for Horizon 2020 that are directly linked to research and education, in favour of the EFSI;

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18. Warns that any cuts in Horizon 2020 would undoubtedly affect the full implementation of the Bologna Process, and therefore urges the Commission to withdraw any such proposal;
19. Encourages both top-down and bottom-up approaches, involving the whole academic community and the social partners, and calls for the political engagement and cooperation of EHEA ministers in developing a common strategy for the achievement of the Bologna reforms;
20. Calls for the further development of study programmes with clearly defined objectives, providing the knowledge and mix of skills, both general and professional, that are needed not only to prepare graduates for the requirements of the labour market and build their capacity for LLL, but also and crucially to integrate citizens; supports the full implementation of the European framework for the certification of professional qualifications;
21. Stresses the role of the STEM disciplines (Science, Technology, Engineering and Mathematics) and their importance for society, the economy and the employability of graduates;
22. Calls for the correct implementation of the European Credit Transfer and Accumulation System (ECTS) and the Diploma Supplement in the EHEA, as key tools linked to student workload and learning outcomes, in order to facilitate mobility and help students compile their academic and extracurricular achievements;
23. Stresses the importance of guaranteeing the mutual recognition and compatibility of academic degrees for strengthening the system of quality assurance at European level and in all countries that have joined the EHEA, in line with the revised version of the European Standards and Guidelines for Quality Assurance (ESG) in the European Higher Education Area; invites all EHEA countries and their respective quality assurance agencies to join the European networks for quality assurance (ENQA and EQAR);
24. Encourages the Bologna Process partners, and especially the Commission, to regularly measure the competences and skills mismatch at the moment of entry of graduates into the world of work;
25. Stresses the importance of the Europe 2020 strategy goal according to which 40 % of 30-34-year-olds should have completed tertiary education and have gained the appropriate skills and competencies to find fulfilling employment;
26. Stresses the value of Qualifications Frameworks (QFs) to improve transparency, and calls on all the Bologna countries to make their national QFs compatible with those of the EHEA and with European QFs;
27. Stresses that the National Qualifications Frameworks (NQFs) in many Member States still need to be adjusted to the European Qualifications Framework (EQF) as well as to the ESG; notes that many NQFs are still not registered in the European Quality Assurance Register for Higher Education (EQAR);
28. Notes that the mobility of students, teachers, researchers and non-teaching staff is one of the main priorities of the Bologna Process; calls on the Member States to increase opportunities for and quality of mobility, and highlights the need to strengthen the implementation of the Mobility Strategy 2020 for EHEA and also to reach the quantitative target of 20 % for student mobility by 2020; in this regard, stresses the crucial role of the Erasmus+ Programme and Horizon 2020, and the importance of ensuring their smooth and efficient implementation and promotion; stresses that study grants pertaining to Erasmus+ should be exempt from taxation and social levies;
29. Calls for the gradual incorporation of student mobility into official university curricula;
30. Emphasises the need to involve appropriate numbers of students and teaching staff in the fields of art and music in EU mobility programmes;
31. Calls on the Commission and the Member States to include European and international partnership and mobility arrangements among the criteria for ranking universities and further education establishments;

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32. Notes the central role of HEIs in promoting mobility and producing graduates and researchers with knowledge and skills enabling them to succeed through employability in the global economy;

33. Calls on the Member States, the EU and the EHEA to strengthen mobility by fostering language learning, removing administrative obstacles, providing adequate financial supports mechanism and guaranteeing the transferability of grants, scholarships and credits; notes that mobility continues to be less accessible for students from less wealthy backgrounds;

34. Emphasises, with regard to both the design and the delivery of programmes, the shift in educational paradigm towards a more student-centred approach that includes the personal development of students; underlines the importance of students' participation in higher education governance;

35. Underlines that study programmes should focus on long-term market demands; stresses also that employability means that students should master a wide range of different competences preparing them for the labour market and equipping them for lifelong learning; encourages in this regard active dialogue and national and crossborder cooperation on programmes and work placements between the university community and business, which could help counter the economic crisis, stimulate economic growth, and contribute to a knowledge-based society and thus provide opportunities in a wider social sense; encourages HEIs to be open to transdisciplinary studies, the creation of university research institutes and collaboration with diverse partners;

36. Stresses the need to provide broad opportunities for LLL, and for complementary forms of learning such as non-formal and informal education which are crucial for soft skills development;

37. Calls for efforts to strengthen the link between higher education and research and innovation, including through the promotion of research-based education, and highlights the Horizon 2020 Programme as a key funding mechanism for boosting research; calls for better synchronisation of actions supporting the Bologna Process such as the Horizon 2020 and Erasmus+ programmes;

38. Calls for more flexible learning paths that include joint degree programmes and interdisciplinary studies, and that support innovation, creativity, vocational education and training (VET), dual education, and entrepreneurship in higher education, and calls for the potential offered by new technologies, digitalisation and ICTs to be explored in order to enrich learning and teaching, as well as to further develop a wide range of skills and new models for learning, teaching and assessment;

39. Calls on HEIs, public administrations, social partners and enterprises to lead an ongoing dialogue facilitating and enhancing employability; stresses, in this regard, the need to focus the discussion on the unused potential of higher education in terms of stimulating growth and employment; calls on EHEA countries and HEIs to enhance cooperation in order to ensure quality traineeships and apprenticeships and to strengthen mobility in this context; stresses that stakeholders should cooperate better to raise initial qualifications and renew a skilled workforce, as well as to improve the provision, accessibility and quality of guidance on careers and employment; considers, moreover, that work placements within study programmes and on-the-job learning should be further encouraged;

40. Stresses that it is necessary to let recognised refugees access all institutions in the EHEA that can enable them to build up an independent life via education; furthermore stresses that residence permits for graduates looking for a qualified professional activity should be further liberalised; stresses that the efforts for mutual recognition for recognised refugees should be reinforced, especially under the aspect of mobility for such students;

41. Stresses that the Member States, and all HEIs that have joined the EHEA, are responsible for providing quality education that responds to societal and economic challenges, and emphasises the need for their close cooperation in order to reach the goals set within the Bologna Process;

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42. Notes that only a few Member States have created a comprehensive strategy for including students from less-favoured socio-economic backgrounds in higher education and thus tackling the problem of the so-called social filter;
43. Calls for more involvement of secondary school teachers in the Bologna Process in terms of promoting quality in teacher training and professional mobility, in order to meet the new educational and training demands of a knowledge-based society and contribute to improved student performance;
44. Emphasises the role of education and its quality and teaching mission in shaping future generations and contributing to wider social and economic cohesion as well as to job creation, higher competitiveness and growth potential; calls in this regard for better recognition of the teaching profession;
45. Calls for economic and social efforts to improve social inclusion by providing fair and open access to quality education for all, by facilitating recognition of academic and professional qualifications, as well as study periods abroad and prior learning, soft skills programmes and non-formal and informal learning, and by providing relevant education to a diversified student population through LLL;
46. Highlights the social dimension of the Bologna Process; calls for action to target increased participation by under-represented and disadvantaged groups, also through international mobility programmes;
47. Stresses the role of educational mobility in intercultural learning, and that the Bologna Process should take active steps to foster students' intercultural knowledge and respect;
48. Calls for efforts to further develop a strategy for the external dimension of the EHEA, through cooperation with other regions of the world, in order to increase its competitiveness and attractiveness in a global setting, improve the provision of information on the EHEA, strengthen cooperation based on partnership, intensify policy dialogue and further recognise qualifications;
49. Emphasises the need to enhance data collection among EHEA countries in order to better identify and address the Bologna Process challenges;
50. Stresses the importance of the next EHEA Ministerial Conference, to be held in Yerevan in May 2015, in terms of undertaking an objective and critical review of both progress and setbacks in achieving the priorities set out for 2012-2015, with a view to boosting and further consolidating the EHEA with the full support of the Union;

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51. 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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P8_TA(2015)0108

European film in the digital era

European Parliament resolution of 28 April 2015 on European film in the digital era (2014/2148(INI))

(2016/C 346/02)

The European Parliament,

- having regard to Article 167 of the Treaty on the Functioning of the European Union,
- having regard to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 20 October 2005,
- 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) ⁽¹⁾,
- having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽²⁾,
- having regard to Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC ⁽³⁾,
- having regard to the Council conclusions of 25 November 2014 on European audiovisual policy in the digital era ⁽⁴⁾,
- 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 26 August 2010 entitled 'A Digital Agenda for Europe' (COM(2010)0245),
- having regard to the First Report from the Commission of 4 May 2012 on the application of Directive 2010/13/EU 'Audiovisual Media Service Directive' — Audiovisual Media Services and Connected Devices: Past and Future Perspectives (COM(2012)0203),
- having regard to the First Report from the Commission of 24 September 2012 on the application of Articles 13, 16 and 17 of Directive 2010/13/EU for the period 2009-2010 — Promotion of European works in EU scheduled and on-demand audiovisual media services (COM(2012)0522),
- having regard to the third Commission report of 7 December 2012 entitled 'On the challenges for European film heritage from the analogue and the digital era' (SWD(2012)0431) concerning the implementation of Recommendation 2005/865/EC of the European Parliament and of the Council of 16 November 2005 on Film Heritage and the Competitiveness of Related Industrial Activities,
- having regard to the Commission communication of 18 December 2012 on content in the Digital Single Market (COM(2012)0789),

⁽¹⁾ OJ L 95, 15.4.2010, p. 1.

⁽²⁾ OJ L 167, 22.6.2001, p. 10.

⁽³⁾ OJ L 347, 20.12.2013, p. 221.

⁽⁴⁾ OJ C 433, 3.12.2014, p. 2.

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- having regard to the Commission Green Paper of 24 April 2013 on 'Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values' (COM(2013)0231),
 - having regard to the Commission communication of 15 November 2013 on State aid for films and other audiovisual works ⁽¹⁾,
 - having regard to the Commission communication of 15 May 2014 entitled 'European film in the digital era — Bridging cultural diversity and competitiveness' (COM(2014)0272),
 - having regard to the opinion of the Committee of the Regions of 4 December 2014 on 'European film in the digital era',
 - having regard to its resolution of 16 November 2011 on European cinema in the digital era ⁽²⁾,
 - having regard to its resolution of 11 September 2012 on the online distribution of audiovisual works in the European Union ⁽³⁾,
 - having regard to its resolution of 22 May 2013 on the implementation of the audiovisual media services directive ⁽⁴⁾,
 - having regard to its resolution of 12 March 2014 on preparing for a fully converged audiovisual world ⁽⁵⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A8-0123/2015),
- A. whereas films are goods that are both cultural and economic and contribute greatly to the European economy in terms of growth and employment whilst helping shape European identities by reflecting cultural and linguistic diversity, promoting European cultures across borders and facilitating cultural exchange and mutual understanding among citizens, as well as contributing to the formation and development of critical thinking;
- B. whereas the potential of the cultural and creative sectors in Europe and in particular of the European film industry is yet to be fully exploited in the promotion of European cultural diversity and heritage and the creation of sustainable growth and jobs that in turn can also benefit other sectors of the economy, providing Europe with a competitive advantage at a global level;
- C. whereas the European film industry is one of the world's largest producers, with 1 500 films released in 2014, but is characterised by a heterogeneous structure in terms of both funding and type of production;
- D. whereas European films are characterised by their quality, originality and diversity, but suffer from limited promotion and distribution across the Union, and this is reflected in the comparatively low audience levels achieved while facing intense international competition and difficulties in being distributed both within and outside Europe;
- E. whereas the circulation of European non-national films in Member States remains weak despite the large number of films produced each year, while non-European productions are widely distributed within the Union;
- F. whereas the diversity of European films reflecting the richness and strength of Europe's cultural and linguistic diversity means that the European film market is naturally fragmented;
- G. whereas promoting quality film production is particularly important for smaller Member States whose languages have a small number of speakers;

⁽¹⁾ OJ C 332, 15.11.2013, p. 1.

⁽²⁾ OJ C 153 E, 31.5.2013, p. 102.

⁽³⁾ OJ C 353 E, 3.12.2013, p. 64.

⁽⁴⁾ Texts adopted, P7_TA(2013)0215.

⁽⁵⁾ Texts adopted, P7_TA(2014)0232.

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- H. whereas the Creative Europe MEDIA sub-programme (hereinafter MEDIA) offers new sources of funding and opportunities for the distribution and circulation of European non-national films and for developing audiences and supporting media literacy;
- I. whereas one of the key goals of the Digital Single Market should be to build trust and confidence in the internet and increase access to legal audiovisual content, thus contributing to investment in European films;
- J. whereas cinematic screening, as the first release window, continues to account for a large proportion of film revenue and is therefore essential to the financing of European film production and distribution, with a considerable impact on the success of the films concerned in subsequent release windows;
- K. whereas, however, an increasing number of European films with a modest production and promotion budget would benefit from more flexible release strategies and earlier availability in VOD services;
- L. whereas a better organisation of the release windows would maximise the potential audience, while making the unauthorised consumption of films less attractive;
- M. whereas Article 13.1 of the Audiovisual Media Services Directive (AVMSD) obliges Member States to ensure that on-demand service providers promote European works; whereas this provision has been implemented in a diverse manner with different levels of legal requirements and has led to providers establishing themselves in those Member States with the lowest requirements;
- N. whereas most public funding for the European film industry, from both national and Union sources, is dedicated to film production;
- O. whereas Article 14 of Regulation (EU) No 1295/2013 establishing the Creative Europe programme states that the Commission shall establish a 'Guarantee Facility targeting the cultural and creative sectors' with the aim of facilitating access to financing for SMEs in the cultural and creative sectors and enabling participating financial intermediaries to assess more effectively the risks associated with projects for which SMEs are seeking loans and financing;
- P. whereas in its third report of 7 December 2012 on the challenges for European film heritage from the analogue and the digital era the Commission pointed out that only 1,5 % of the European film heritage has been digitised; whereas this percentage remains the same today, despite reiterated concerns that much of that heritage may be lost forever to future generations, as evidenced, for example, by the fact that only 10 % of silent films have been preserved;
- Q. whereas digitisation and media convergence create new opportunities for distributing and promoting European films cross-border, as well as greater potential for innovation and flexibility, whilst causing significant changes in viewers' behaviours and expectations;
- R. whereas it is essential to guarantee funding for the digitisation, preservation and online availability of film heritage and related materials and to establish European standards on preservation of digital films;
- S. whereas media literacy, and in particular film literacy, can empower citizens to develop critical thinking and understanding and can stimulate their own creativity and capacity of expression;
- T. whereas copyright in the digital era should continue to stimulate investment in film production and creation and ensure an appropriate remuneration for rightholders, whilst encouraging the development of new services and cross-border access for citizens and enabling the cultural and creative industries to continue contributing to growth and job creation;

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U. whereas it is important to ensure the effective implementation of Directive 2012/28/EU on certain uses of orphan works and to make films included in the definition of orphan works publicly accessible;

Promotion, cross-border distribution and accessibility

1. Encourages the European film industry to pursue the development of innovative services, new business models and distribution channels to improve the cross-border availability of European films in the Union and, beyond that, to allow viewers across the Union to have access to an ever greater range of films across a growing number of platforms; suggests in this regard that the European film industry draw lessons from best commercial practises outside the EU;

2. Recognises the impact of unauthorised use of creative works on the creative cycle and rights of creators; stresses the need for greater legal offers of high quality, and for awareness-raising among young people;

3. Suggests that the development of cross-border portability of audiovisual services, taking account of the rapid growth of VOD and online transactions across the Union, could be further explored as this would enable viewers to access films regardless of where they are;

4. Underlines the importance of targeted marketing across the Union that takes into account the cultural specificities of European audiences with a view to ensuring better and more efficient promotion of European films;

5. Urges accordingly greater availability of subtitled films in order to boost the cross-border circulation of European films, increase awareness of Europe's cultural and linguistic diversity amongst viewers, and improve mutual understanding;

6. Notes in particular the role played by MEDIA in supporting subtitling and dubbing to increase availability of European films, notably in original versions with subtitles which facilitate their circulation and improve knowledge and understanding of European cultures and languages;

7. Underlines the importance of the recently adopted preparatory action 'Crowdsourcing subtitling to increase the circulation of European works' and the work to be done by the Commission in implementing this action;

8. Supports, furthermore, initiatives such as the Commission's pilot project 'Fostering European integration through culture', aimed at reinforcing the provision of subtitled European films by providing new subtitled versions of selected TV programmes across all Europe;

9. Reiterates the fundamental importance of further improving accessibility to films for disabled people, particularly through audio description and subtitling;

10. Stresses the particular significance of private and public European television stations in film production, both for television and for cinema co-productions, and underlines the role they can play in securing the future of numerous film production companies in the EU, primarily small and medium-sized ones;

11. Recalls the role of the EP LUX Prize, which has gained increasing recognition over the years, in promoting European films by translating subtitles for the winning film into all 24 official Union languages and thus ensuring greater visibility, awareness and availability for European films; invites the national parliaments to further promote the LUX Prize in the Member States in cooperation with the Information Offices of the European Parliament;

12. Suggests that there is a need to promote and support European co-productions and that an increase in such productions may result in the wider distribution of European films all across Europe;

13. Highlights, in addition, the growing success of high-quality European TV series and the strategic importance of further encouraging the production, distribution and promotion of such series on the European and global markets;

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14. Calls on the Member States to support and promote special events, such as film festivals and touring cinema initiatives, in order to encourage and support the dissemination and circulation of European films in their territory;
15. Suggests strengthening existing measures for better optimisation of the price of cinema tickets, development of innovative promotions, and subscription offers that would help ensure the attractiveness of, and access of all to, cinemas;

Audience development

16. Encourages distributors and cinema exhibitors to increase the visibility and availability of non-national European films in order to reach wider audiences;
17. Recognises that cinemas are still the most significant locations for presenting and promoting films, as well as being places with an important social dimension where people meet and exchange views; stresses that the disappearance of small and independent cinemas, in particular in small towns and less-developed regions, is limiting access to European cultural resources, heritage and dialogue; in this context, calls on the Commission and the Member States to provide support to equip all screens with digital projection and sound technology in order to preserve such cinemas;
18. Stresses the importance of promoting films at an early stage of production, in order to improve circulation and ensure greater awareness amongst potential audiences across Europe;
19. Stresses the importance of MEDIA in testing innovative approaches in audience development, in particular through supporting festivals, film literacy initiatives and audience development actions;

Level playing field

20. Recalls that Article 13.1 of the Audiovisual Media Services Directive (AVMSD) obliges Member States to ensure that on-demand service providers promote European works; stresses that this provision has been implemented in an uneven manner with different levels of legal requirements, and that this could result in providers establishing themselves in Member States with the lowest requirements;
21. Believes that all those who benefit economically from European cinematographic works, even if indirectly, through direct provision, marketing or dissemination, including links or provision by means of video-on-demand, should contribute financially to the making of European films; calls on the Commission to make this the guiding principle, even when investigating Member States' film funding systems from competition perspectives;
22. Calls on the Commission to take the above into account when proposing a review of the current legal framework, in order to ensure a level playing field on the European audiovisual market with fair and equal conditions for all providers;
23. Calls on VOD and SVOD platforms to make publicly available data on the consumption of each film in their catalogue, so as to ensure a proper assessment of their impact;

Funding

24. Considers that in order to improve the circulation of European films on both European and international markets, public funding for production and distribution needs to be better balanced with a view to increasing support for development, promotion and international distribution;
25. Considers it necessary to increase funding in real terms for film distribution, promotion and marketing without this being at the expense of funding for production;
26. Calls on Member States in particular to increase public funding in order to support at an early stage the distribution and promotion of national films abroad, as well as of non-national European films;

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27. Calls on the Member States to promote incentives to facilitate the production, distribution, availability and attractiveness of European films; takes the view that applying the same reduced VAT rates to cultural audiovisual works whether sold online or offline stimulates the growth of new services and platforms;

28. Highlights the role to be played by Creative Europe's Cultural and Creative Sectors Guarantee Facility, in terms of facilitating access to finance for SMEs in the cultural and creative sectors and encouraging more investment from financial intermediaries, thus increasing funding opportunities for the film industry;

29. Suggests evaluating the effectiveness and efficiency of European and national film funding systems, paying particular attention to the quality and scope of films receiving funding, whilst also considering the availability and effectiveness of funding instruments for marketing and audience development; calls on the Commission to inform other Member States of examples of best practice which emerge from the results;

30. Recalls that film production and co-production call for substantial financial investment, and that the current legal framework does not prevent multi-territorial licencing, therefore stresses that the diversity of production and distribution schemes should continue to apply in order to encourage investment in European films, so as to respond to the linguistically and culturally diverse European market and safeguard and promote cultural diversity;

31. Stresses that European films receive funding from a large number of European, national and regional public funds, and that greater complementarity in the use of these funds should be encouraged in order to make them more effective;

European Film Forum

32. Welcomes the Commission's initiative to establish a European Film Forum, in order to facilitate a structured dialogue with all stakeholders in the audiovisual sector on the challenges currently faced by the sector in the digital era, in order to improve cooperation, aggregation of information and exchange of best practices;

33. Calls in that respect for a broad participation and cooperation among all institutions concerned, in particular with the European Parliament;

Media literacy

34. Calls on the Member States to reinforce their efforts to improve media literacy, and in particular film literacy, in school curricula and institutions of cultural education, and to develop initiatives at national, regional or local level covering all levels of formal, informal and non-formal education and training;

35. Is aware of the special significance of cinemas for film and media literacy as cross-generational places of learning, and welcomes any measures which promote this function of cinemas in a targeted way;

36. Draws attention to the promotion of educational films for young people, and supports competitions in which they are encouraged to create audiovisual works; also underlines the possibilities offered by MEDIA in supporting film literacy projects;

Innovation

37. Supports innovative projects and practices such as the Commission's preparatory action on the circulation of European films in the digital era, designed to test a more flexible release of films across media in several Member States, and welcomes the integration of this action in the Creative Europe programme;

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38. Considers that such initiatives, by making release windows more flexible, could benefit certain types of European films in terms of visibility, reaching audiences, revenue and savings on costs, and encourages the Commission and the Member States to give those initiatives further consideration;

Digitisation and archiving

39. Calls on Member States to ensure the digitisation of cinematographic works and to set up compulsory deposit mechanisms for digital formats or to adapt their existing mechanisms to such formats by requesting the deposit of an international standard digital master for digital films;

40. Emphasises the importance of audiovisual archives, especially those of film heritage institutions and public service broadcasters, and urges the Member States to guarantee an appropriate level of funding and rights clearance schemes in order to facilitate the fulfilment of their public interest missions, including preservation, digitisation and making film heritage available to the public;

41. Highlights the important role of the European digital library EUROPEANA as a digital library for the European audiovisual heritage (both film and television);

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42. 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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P8_TA(2015)0109

A new EU Forest Strategy**European Parliament resolution of 28 April 2015 on 'A new EU Forest Strategy: for forests and the forest-based sector' (2014/2223(INI))**

(2016/C 346/03)

The European Parliament,

- 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 'A new EU Forest Strategy: for forests and the forest-based sector' (COM(2013)0659),
 - having regard to the Commission staff working documents (SWD(2013)0342) and (SWD(2013)0343), appended to that communication,
 - having regard to the conclusions of the Agriculture and Fisheries Council of 19 May 2014 on the new EU Forest Strategy,
 - having regard to the opinion of the Committee of the Regions of 30 January 2014 entitled 'A new EU Forest Strategy: for forests and the forest-based sector',
 - having regard to the opinion of the European Economic and Social Committee of 10 July 2014 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 new EU Forest Strategy: for forests and the forest-based sector',
 - having regard to its resolution of 16 February 2006 on the implementation of a European Union forestry strategy ⁽¹⁾,
 - having regard to Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environmental Action Programme to 2020 — 'Living well, within the limits of our planet',
 - having regard to the Europe 2020 strategy, including the Innovation Union and Resource Efficient Europe initiatives,
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'An EU Strategy on adaptation to climate change' (COM(2013)0216),
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' (COM(2011)0244),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on the Environment, Public Health and Food Safety and of the Committee on Industry, Research and Energy (A8-0126/2015),
- A. whereas the European Union has no competence to elaborate a common forestry policy but some of the Union's policies may have implications for national forestry policies, while it is the Member States who decide the political approaches to forestry and forests;

⁽¹⁾ OJ C 290 E, 29.11.2006, p. 413.

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- B. whereas, although this is clearly an area of Member State responsibility, there are potential advantages for forest-based businesses in better and more active coordination and in a higher profile for this important economic sector, which guarantees jobs at European level, particularly in rural areas, while protecting ecosystems and offering ecological advantages for all, without prejudicing the responsibility of the Member States;
- C. whereas timber is a renewable resource often under-exploited in Europe and the intelligent and sustainable use of this raw material needs to be ensured, including by the development and exchange of know-how;
- D. whereas forests are a source of unique flora, fauna and fungi;
- E. whereas the size and features of forests differ greatly, with some Member States having more than half their territories covered by forests; whereas sustainably managed forests are enormously important in terms of adding value at local, regional, European and international level, guaranteeing jobs in rural areas and contributing to a bioeconomy- based society, representing a benefit for human health, especially in structurally disadvantaged regions, while at the same time making a vital contribution to environmental and climate protection as well as to biodiversity;
- F. whereas forest biomass is a very important source of renewable energy; whereas European forests currently absorb and store around 10 % of EU carbon emissions and thus contribute markedly to climate change mitigation efforts;
- G. whereas, owing to the urbanisation of our society, EU citizens feel less of a connection to the forest, and have little knowledge of forestry or of its impact on prosperity, jobs, climate, environment, human health and the whole value chain together with the link with the wider ecosystems;
- H. whereas a growing number of EU policies are placing increasing demands on forests; whereas these demands need to be carefully balanced, and demand for new uses of wood in the bioeconomy and for bioenergy must be accompanied by resource efficiency, use of new technology and respect for the limits of sustainable supply;
- I. whereas European forestry is characterised by sustainable management and long-term planning, and whereas the principle of sustainability should be even more strongly emphasised at all levels, from local to global, in order to create jobs, protect biodiversity, mitigate climate change and combat desertification;
- J. whereas it is necessary to highlight the economic, social and environmental role of forests, also in the context of the protection and promotion of cultural and natural heritage and the promotion of sustainable (eco)tourism;
- K. whereas an increasing world population means a growing demand for energy, and therefore forests should play a more important role in the EU's future energy mix;

General — the importance of forests, forestry and forest-based sector for the economy and society

1. Welcomes the Commission communication on a new EU forest strategy and the accompanying working documents, and stresses that an EU forest strategy must focus on the sustainable management of forests and their multifunctional role from the economic, social and environmental viewpoints and must ensure better coordination and communication of Community policies directly or indirectly linked to forestry; points out, in this context, that an increasing number of European policy initiatives in areas such as economic and employment policy, energy policy and environmental and climate policy require a greater contribution from the forestry sector;
2. Underlines the need to determine the value of forest ecosystem services more systematically and to take it into consideration in decision-making in both public and private sectors;

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3. Notes that only mountain forests that are healthy and stable are able to perform to a full extent their functions of protecting humans and nature by counteracting the flow of avalanches and mudslides and serving as a natural protection against floods; stresses that in this connection in particular, transnational communication is indispensable;
4. Stresses in this connection that any attempt to make forestry a matter of EU policy should be resisted and that the sector's local and regional basis and the competence of the Member States in this area must be respected while seeking coherence between the respective competences of the EU and the Member States;
5. Emphasises that the EU's forests are characterised by great diversity, including major differences in forest ownership, size, nature and challenges faced;
6. Stresses that the EU forest strategy must take into account the fact that forests cover more than half of the territory of some Member States and that sustainably managed forests are enormously important in adding value at local and regional level and in guaranteeing jobs in rural areas, while at the same time making a vital contribution to the environment;
7. Underlines the particularly valuable role of stable mixed forests including native species of trees suited to local conditions, as well as the essential role that mixed forests play in ecosystems and their contribution to biodiversity;
8. Calls on the Member States to support the efforts of forest owners to preserve and also to create native mixed forests typical of the area;
9. Expresses its disappointment with the fact that the working conditions of forest workers are not included as a point of reference in the proposed strategy, and requests the Commission to take intelligent work organisation, high standards in technology and quality jobs into account;
10. Notes that the forest sector currently employs over 3 million European citizens, and stresses that its long-term competitiveness will only be achieved with a skilled workforce;
11. Considers that the EU Forest Strategy should set the conditions to enable the EU to have relevant training facilities and a workforce which is fully aware of the current challenges and threats faced by the forest sector, but also of the safety rules inherent in forest management;
12. Emphasises the need for a comprehensive and holistic joint strategy, and welcomes the recognition of the economic, environmental and social role and benefits of forests and the forest based-sector in the EU;
13. Believes that this recognition provides a strong basis for supporting the EU forestry sector, inter alia in preventing and managing forest disasters, improving resource efficiency, increasing competitiveness, boosting employment, strengthening forest-based industries and preserving ecological functions;
14. Stresses the significant role that the bioeconomy plays in terms of achieving the Commission's new priorities of growth, employment and investment;
15. Acknowledges that the EU has a role to play in supporting national policies to achieve active, multifunctional and sustainable forest management, including the management of different forest types, and in strengthening cooperation to tackle transboundary challenges such as forest fires, climate change and natural disasters, or invasive alien species;
16. Takes the view that the strategy needs to take greater account of the problem of tree diseases such as oak decline, which is ravaging cork-oak plantations in Portugal, France and Spain and is also affecting Special Protection Areas and biosphere reserves;
17. Stresses that the predicted growth in demand for wood represents both an opportunity and a challenge for forests and all forest-based sectors, especially as drought, fires, storms and pests are expected to damage forests more frequently and more severely as a result of climate change; in this context, emphasises the need to protect forests from these growing threats and to reconcile their productive and protective functions;

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18. Welcomes action to increase forest cover, especially with native species, in areas not suitable for food production and in particular in close proximity to urban areas, with a view to mitigating adverse heat effects, reducing pollution and enhancing links between people and forests;
19. Gives its full support to the Commission's efforts to promote forest-related employment and the generation of prosperity in Europe in a sustainable manner;
20. Stresses the important role of the sustainable production and use of timber and other forest-based materials such as cork and wood derivatives including textile fibres for the development of sustainable economic models and the creation of green jobs;
21. Calls on the Commission to analyse the difficulties in the downstream supply chain related to increased demand from third countries, particularly for roundwoods, and to support this sector;
22. Calls on the Commission and the Member States to create incentives to encourage the increasingly large group of female forest owners to obtain special advice and support in relation to the active and sustainable management of their forests;
23. Stresses that around 60 % of the EU's forests are private, with about 16 million private forest owners, and underlines in this context the importance of ownership and property rights and supports all measures enabling stakeholder groups to participate in a dialogue on reinforcing and implementing sustainable forest management and improve the exchange of information;
24. Notes that forest owners are key actors in rural areas, and welcomes in this connection the recognition of the role of forestry and agro-forestry in the Rural Development Programme of the 2014-2020 CAP;
25. Considers that the implementation of the EU Forest Strategy would be enhanced if supported by appropriate coordination with available EU funding, including from the EAFRD;
26. Stresses the opportunity for Member States and regions to make use of the available funding under their respective rural development programmes, to support sustainable forest management and boost agro-forestry and to deliver public environmental goods such as producing oxygen, sinking carbon and protecting crops against climate effects, as well as stimulating local economies and creating green jobs;
27. Recognises the need for improved transportation and logistics for forest management and extraction of timber; calls on the Member States, therefore, to develop sustainable logistics and logging systems having a reduced negative effect on climate, including the use of trucks and ships powered by sustainable biofuel as well as extended use of railways; encourages the use of EU Structural Funds and Rural Development Programmes for those purposes;
28. Recognises the role of forests in society in relation to the physical and mental health of citizens and that public goods delivered by forests are of high environmental and recreational value and contribute to quality of life, in particular with regard to oxygen supply, carbon sequestration, air filtration, water storage and filtration, erosion control and avalanche protection, as well as providing a place for outdoor activities;
29. Encourages public transport links between urban areas and forests in order to facilitate access to forests and woodland;
30. Highlights the importance of other forest-related activities, e.g. the harvesting of non-wood forest products such as mushrooms or soft fruit, as well as grazing and beekeeping;
31. Calls on the Commission to promote economic activities which can serve as a source of raw materials for the pharmaceutical, cosmetic and food industries and be used as an alternative way of dealing with unemployment and rural depopulation, and also to promote the products of those activities as beneficial for human health;

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Resource efficiency — timber as a sustainable raw material (sustainable forest management)

32. Stresses that both the use of timber and other harvested wood products as renewable and climate-friendly raw materials on the one hand, and sustainable forest management on the other, have an important role to play in the achievement of the EU's socio-political goals such as the energy transition, climate mitigation and adaptation, and the implementation of the Europe 2020 strategy targets and biodiversity targets; notes that lack of active forest management would be inimical to these goals;

33. Stresses that managed forests have a higher CO₂ absorption capacity than unmanaged forests, and underlines the importance of sustainable forest management in maximising the carbon sequestration potential of EU forests;

34. Believes that forests should not be considered solely as carbon sinks;

35. Emphasises the need to make sure that forest resources and wood materials are used and reused efficiently, as a means of cutting the EU's trade deficit, improving the self-sufficiency of the EU in wood, boosting the competitiveness of its forest sector, helping reduce unsustainable forest management, protecting the environment, and reducing deforestation in countries outside the EU;

36. Expressly supports the resource-efficient use of timber as a renewable, versatile raw material with limited availability, and opposes legally binding rules for prioritising the uses of wood, as this not only restricts the energy market and the development of new and innovative uses of biomass, but is also impossible to enforce in many remote and rural areas, if only for infrastructure reasons;

37. Supports an open, market-oriented approach and freedom for all market participants by giving priority to locally sourced wood in order to minimise the carbon footprint created by overseas transport, and stimulate sustainable local production;

38. Considers it imperative, given that some of the Union's biggest biomass resources are found in its most sparsely populated and remote regions, that the strategy should also take full account of the specificities of those regions;

39. Recognises the value of wood for energy purposes, as a means of combating energy poverty, contributing to the renewable energy targets of the 2030 climate and energy framework, and opening up new business opportunities;

40. Considers that the new forest strategy must enable greater cooperation on the issue of the structuring of the timber industry and the regrouping of operators, with a view to ensuring better use of the forest resource;

41. Takes the view that sustainable forest management must be based on generally acknowledged and accepted principles and tools, such as criteria and indicators for sustainable forest management which must always apply to the sector as a whole regardless of the end use of wood;

42. Supports the Commission's intention to develop, together with the Member States and stakeholders, an ambitious, objective and demonstrable set of criteria and indicators for the sustainable management of forests, stressing that these criteria should be aligned with the requirements of Forest Europe (Ministerial Conference on the Protection of Forests in Europe) ⁽¹⁾, which form a pan-European basis for uniform reporting on sustainable forest management and a basis for sustainability certification, taking into account the diversity of forest types across Europe;

43. Acknowledges that the growing demand for forest-based materials, primarily as a result of the rise in the number of biomass-based renewable energies, calls for new ways of increasing the availability of timber to ensure the sustainable exploitation of forests;

⁽¹⁾ Forest Europe — Ministerial Conference on the Protection of Forests in Europe, Intergovernmental Negotiating Committee for a Legally Binding Agreement on Forests in Europe: <http://www.foresteurope.org/>

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44. Notes the significant progress made in the negotiations within Forest Europe towards a 'European Forest Convention' ⁽¹⁾ as a binding framework for sustainable forest management and for improving the balance of interests in forest policy, and calls on the Member States and the Commission to make all necessary efforts to resume these negotiations and drive them forward to a successful conclusion;

45. Takes the view that forest management plans or equivalent instruments can be important strategic instruments for the implementation of concrete measures at the level of individual businesses, for long-term planning and for the implementation of sustainable forest management in European forests; emphasises, however, that the implementation of the concrete measures contained in these plans at the forest holding level must remain subject to national regulations;

46. Calls on the Member States, in line with the subsidiarity and proportionality principles, to monitor and promote the implementation of the forest management plans without creating unnecessary administrative burdens;

47. Welcomes a clear separation between forest management plans and the management plans under Natura 2000;

48. Points out that forestry management plans are only a condition for receiving EU rural development funds for beneficiaries above a certain holding size, and that forests below the threshold size are exempt; furthermore notes that equivalent instruments can also be approved;

49. Calls on the Member States to make full use of this existing flexibility when implementing legislation, especially to benefit smaller operators;

50. Calls on the Commission and the Member States to create incentives and support new business models, such as production cooperatives, that seek to encourage small private forest owners to manage their forests actively and sustainably;

51. Maintains that in order to implement the strategy in the proper way it is essential to have a specific long-term action plan emphasising the importance of mobilisation and sustainable use of forest timber, with the aim of creating added value and jobs, while providing means of strengthening private forestry businesses and supporting organised groupings of forest owners;

52. Underlines that efficient resource management should include support programmes for the afforestation of land areas that are not fit for agriculture, as well as for the creation of shelter belts;

Research and development — education and training

53. Considers that priority should be given to the practical application of research, since the whole sector can benefit from new ideas and the forest-based industries have great potential for growth; also considers that further investments in innovation in the sector can create new production niches and more efficient processes that would ensure smarter use of available resources and could minimise negative impacts on forest resources;

54. Calls on the Commission to assess, from the point of view of forestry and wood working priorities, the European R&D programmes (Horizon 2020) and the programme for the competitiveness of small and medium-sized enterprises (COSME) and, where appropriate, to develop new instruments for the forest-based sector and promote targeted research into cost-effective solutions for new and innovative timber products to support the development of the sustainable wood-based bioeconomy;

55. Welcomes the benefits of sharing best practices and existing knowledge on forests between Member States, and calls on the Member States and the Commission to support exchanges between industry, scientists and producers;

56. Stresses the importance of supporting EU framework programmes for research, development and innovation for achieving smart and sustainable growth, higher added-value products, cleaner technology and a high degree of technological advance, in particular in relation to refined biofuels and industrial building using wood, along with the automotive and textile sectors;

⁽¹⁾ See: <http://www.forestnegotiations.org/>

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57. Recalls that, according to the Commission, in 2009 the bioeconomy represented a market estimated to be worth over EUR 2 trillion, providing 20 million jobs and accounting for 9 % of total employment in the EU;
58. Notes that every euro invested in bioeconomy research and innovation under Horizon 2020 will generate about EUR 10 in added value; stresses that forests play a crucial role in the bioeconomy now and will continue to do so in the future;
59. Considers that the substitution of oil-based or heat-intensive raw materials by timber and harvested wood products should be encouraged, in line with progress in research and technology, and that this can positively contribute to further gains in terms of climate change mitigation as well as job creation;
60. Stresses the need to carry out a cost assessment of all EU legislation affecting the value chains of forest-based industries, with a view to cutting out all unnecessary and burdensome bureaucracy and creating an enabling framework in order to increase the industries' long-term competitiveness in a sustainable manner, and also to support the principle that legislative proposals affecting the forestry sector and the value chains of forest-based industries should be thoroughly evaluated by means of an impact assessment;
61. Takes the view that extending the forest-related knowledge basis is of crucial importance to research and that reliable information is essential for the implementation of the forest strategy;
62. Notes the availability of information and monitoring resources via the Copernicus programme and other space initiatives at European level, and recommends increasing the use of these resources and tools;
63. Notes that national forest inventories represent a comprehensive monitoring tool for assessing forestry stocks and take regional considerations into account while also responding to demands for less red tape and lower costs;
64. Welcomes the Commission's efforts to establish a European forest information system based on national data and initiatives to improve the comparability of new and existing data, and hopes in this regard to see a reinforcement of the analysis of data on the economy and employment in the forest and woodworking sectors;
65. Recommends, in particular, that there should be more long-term data sets to help the understanding of trends in forestry and its adaptation to climate change;
66. Takes the view that a skilled and well-trained workforce is essential for the successful implementation of sustainable forest management, and calls on the Commission and the Member States to devise measures and, where possible, to use existing European instruments such as the European Agricultural Fund for Rural Development (EAFRD), the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the European training programmes (ET2020) to support generation renewal and compensate for the skilled workforce shortage in the forests;
67. Calls on the Commission to support the preparation of information campaigns for the sector aimed at raising awareness of the opportunities it offers for tackling unemployment and depopulation, as well as increasing its attractiveness to young people;
68. Takes the view that training programmes should be developed, particularly for new entrants and young foresters as well as for existing employees in the construction industry, in order to increase their awareness of the opportunities created by the use of wood, so that the transfer of knowledge regarding sustainable forest management and its downstream industries is ensured;
69. Recognises that sustainable management for the entire life-cycle of forest products can make a significant contribution towards achieving green economy objectives, in particular those linked to climate change mitigation policies and efficient use of resources;
70. Considers that Member States should promote the sustainable use of forest products in the construction sector, including application to the construction of more affordable houses built from sustainably sourced raw materials;

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71. Points out the importance of traditional high-value uses that still have huge growth potential, such as using wood in construction and packaging;
72. Notes that current technological developments enable construction of high-capacity housing developments made mostly of wood, thus significantly limiting CO₂ emissions in the building sector;
73. Points out that rules on the use of wood for building purposes differ from one Member State to another; calls, therefore, for a commitment to adopt EU rules promoting the wider use of wood in buildings;
74. Calls on the Member States to develop initiatives to support knowledge and technology transfer and to fully utilise existing EU programmes supporting research and innovation in forestry and the forest-based sector;
75. Notes that there are significant gaps in scientific and technological research relating to the adaptation of forestry to climate change, including research into the impact of increasing pests and diseases which pose a serious threat to Europe's forests and forest-based sectors;
76. Encourages the Member States and the Commission to act to raise awareness of the economic, environmental and social role of European forests and forestry and the importance of the sustainable forest-based bioeconomy and of wood as one of the EU's crucial renewable raw materials;
77. Considers it important to encourage scientific research work oriented towards rational use of biomass and the development of fast-growing energy crops, and to create a model providing an economic incentive for the use of biomass waste;

Global challenges — environment and climate change

78. Stresses that sustainable forest management has a positive impact on biodiversity and climate change mitigation and can diminish the risks of forest fires, pest damage and disease;
79. Stresses that the Union has agreed that by 2020 the loss of biodiversity and the degradation of ecosystem services, including pollination, must be halted, ecosystems and their services must be maintained and at least 15 % of degraded ecosystems should have been restored; adds that the Union has further agreed that forest management must be sustainable, that forests, their biodiversity and the services they provide must be protected and, as far as feasible, enhanced, and that the resilience of forests to climate change, fires, storms, pests and diseases must be improved; emphasises, in addition, the need therefore to develop and implement a renewed Union Forest Strategy that addresses the multiple demands on, and benefits of, forests and contributes to a more strategic approach to protecting and enhancing forests, including through sustainable forest management ⁽¹⁾;
80. Points out that other issues should be studied further, in particular the problem of overpopulation of herbivores, forest health and facilitating sustainable timber production, Forest Genetic Resources (FGR), measures to prevent and fight forest fires and avoid soil erosion, and the recovery of vegetation cover;
81. Recognises that short rotation forestry could provide sustainable wooden biomass while providing the necessary territory maintenance, thus reducing the risks of soil erosion and landslides on set-aside or abandoned land;
82. Calls on the Commission and the Member States to take specific action with a view to achieving Aichi Target 5, under which the rate of loss of all natural habitats, including forests, should be at least halved by 2020 and where feasible brought close to zero, and degradation and fragmentation should be significantly reduced;

⁽¹⁾ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 — 'Living well, within the limits of our planet'.

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83. Urges the Member States to design their forestry policies in such a way as to take full account of the importance of forests in terms of protecting biodiversity, preventing soil erosion, ensuring carbon sequestration and air purification and maintaining the water cycle;

84. Notes that the bioeconomy, as a core element of smart, green growth in Europe, is necessary for the realisation of the objectives of the flagship initiatives 'Innovation Union' and 'Resource Efficient Europe' under the Europe 2020 strategy, and that timber as a raw material has a significant role to play in making progress towards a bio-based economy;

85. Stresses the need to clarify, as a matter of urgency, the greenhouse impacts of the various uses of forest biomass for energy and to identify the uses that can achieve the greatest mitigation benefits within policy-relevant timeframes;

86. Takes the view that it is important to promote the implementation of the concept of the bioeconomy, while respecting the sustainability boundaries of raw material supply, in order to boost the economic viability of forest value chains through innovation and technology transfer;

87. Calls for more support for diverse forest products, ensuring that the different demands on forest products are balanced and evaluated against the sustainable supply potential and the other ecosystem functions and services provided by forests;

88. Expresses serious concern at the pace of world deforestation, particularly in developing countries and often from illegal logging;

89. Supports mechanisms that promote the global development of forestry towards more sustainable use, and in this connection refers in particular to the EU Timber Directive⁽¹⁾, which aims to combat illegal logging and the placing of illegal timber on the European market from third-country imports, as well as to the authorisation system for timber imports to the EU (FLEGT)⁽²⁾ and to voluntary partnership agreements;

90. Calls on the Commission to publish the awaited review of the functioning and effectiveness of the EU Timber Regulation, and stresses that a new regulation should be proportionate and should look at ways of reducing unnecessary costs and reporting requirements for Europe's woodland owners and foresters without compromising the aim of the regulation;

91. Takes the view, given the challenges posed by global warming and climate change, that ecosystems and populations of species must be healthy, biologically diverse and robust in order to be resilient;

92. Highlights the opportunities provided by the Natura 2000 sites where, thanks to their extraordinary natural resources, it is possible to produce forest-based products and services of high environmental and cultural quality;

93. Underlines the importance of healthy forest ecosystems offering habitats for animals and plants, but stresses that well-meaning legislation such as the EU Habitats Directive affects land management decisions and must be implemented proportionately;

94. Recognises the role of forests in the development of related sectors, and insists in this respect on the importance of supporting melliferous tree growers, which in turn helps the pollination process;

95. Takes the view that certain issues affect the forestry industry at global level, particularly illegal felling, and therefore calls on the Commission to reinforce support for the forestry industry among the associated international bodies;

⁽¹⁾ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.

⁽²⁾ Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (FLEGT = Forest Law Enforcement, Governance and Trade).

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96. Notes that demand for biomass, particularly wood, is rising, and therefore welcomes the efforts of the Commission and Member States to support developing countries in their measures to improve forestry policy and forestry legislation, particularly by way of REDD+ ⁽¹⁾ (Reducing Emissions from Deforestation and Forest Degradation);

97. Invites the Commission to develop an action plan on deforestation and forest degradation in order to address the objectives set out in its communication on deforestation, as called for by the Seventh Environmental Action Programme; considers it important to provide for not only the conservation and management of existing forests but also the reforestation of deforested areas;

98. Considers that separate reference must also be made to the need for widespread reforestation in areas that have been affected by recurring forest fires;

Implementation and reporting

99. Stresses that the implementation of the EU's forest strategy should be a multiannual coordinated process in which the views of Parliament should be taken into account and that the strategy should be implemented efficiently, coherently and with minimal red tape;

100. Regrets that the implementation process has partly begun before Parliament has adopted its position, and considers that this is not in line with the aim of better coordination of forest-related policies as stated by the Commission in its Strategy text;

101. Takes the view that the new strategy should establish links between the strategies and funding plans of the EU and of the Member States, and reinforce cohesion in terms of planning, funding and the implementation of cross-sector activities;

102. Calls for an inclusive, well-structured and balanced implementation of the strategy;

103. Takes the view, therefore, that the mandate of the Standing Forestry Committee should be strengthened and better resourced to enable the Commission to fully use the expertise from the Member States whilst implementing the new EU Forest Strategy at EU level; calls on the Commission to consult the Standing Forestry Committee with sufficient notice before submitting any initiative or draft text that will impact on the management of forests and the timber industry;

104. Emphasises the important role of the Civil Dialogue Group on Forestry and Cork and other relevant stakeholders, and calls for their proper involvement in the strategy's implementation;

105. Takes the view that the transverse nature of forestry issues requires internal cooperation among the various Commission departments when considering any measure which may impact on the specific nature of sustainable forest management and associated industries; therefore calls on DG Environment, DG Climate Action, DG Agri, DG Energy, DG Research and Innovation and other DGs concerned to work together strategically in order to ensure effective implementation of the strategy through enhanced coordination and communication;

106. Considers that, in view of the Commission's list of priorities on growth, employment and investment, priority should also be given in implementing the new EU forest strategy to promoting the competitiveness and sustainability of the forest sector, supporting both rural and urban areas, expanding the knowledge basis, protecting forests and preserving their ecosystems, promoting coordination and communication, and increasing the sustainable use of wood and non-wood forest products;

107. Calls on the Commission to supplement the strategy with a robust action plan containing specific measures, and to report to Parliament annually on the progress made in the implementation of specific actions under the strategy;

108. Advocates the convening of an expanded AGRI-ENVI-ITRE committee to permit a balanced discussion on progress in the implementation of the new EU forest strategy;

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

⁽¹⁾ Reducing Emissions from Deforestation and Forest Degradation: <http://unfccc.int/methods/redd/items/7377.php>

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P8_TA(2015)0173

European Public Prosecutor's Office**European Parliament resolution of 29 April 2015 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office (COM(2013)0534 — 2013/0255(APP))**

(2016/C 346/04)

The European Parliament,

- having regard to the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office (COM(2013)0534),
 - having regard to its resolution of 12 March 2014 on the proposal for a Council regulation on the establishment of the European Public Prosecutor's Office ⁽¹⁾,
 - having regard to the proposal for a directive on the fight against fraud to the Union's financial interests by means of criminal law (COM(2012)0363),
 - having regard to its resolution of 23 October 2013 on organised crime, corruption and money laundering: recommendations on action and initiatives to be taken ⁽²⁾,
 - having regard to the proposal for a regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust) (COM(2013)0535),
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, to Articles 2, 6 and 7 of the Treaty on European Union and to the Charter of Fundamental Rights of the European Union,
 - having regard to the Council resolution of 30 November 2009 on a roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings,
 - having regard to the Treaty on the Functioning of the European Union, in particular Articles 86, 218, 263, 265, 267, 268 and 340 thereof,
 - having regard to Rule 99(3) of its Rules of Procedure,
 - having regard to the interim report of the Committee on Civil Liberties, Justice and Home Affairs and to the opinion of the Committee on Legal Affairs (A8-0055/2015),
- A. whereas data collected and analysed by the Commission have led to the identification of suspected fraud to the financial interests of the Union averaging about EUR 500 million per annum, although there are good reasons to believe that as much as EUR 3 billion per year could be at risk from fraud;
- B. whereas the rate of indictment is low — standing at approximately 31 % in the eight years from 2006 to 2013 — compared to the number of judicial recommendations issued by the European Anti-Fraud Office (OLAF) to the Member States; whereas one of the aims of the European Public Prosecutor's Office (EPPO) is to bridge this gap;
- C. whereas certain Member States might be less effective as regards the detection and prosecution of fraud affecting the EU's financial interests, thus harming the taxpayers of all the Member States who contribute to the Union's budget;
- D. whereas in its resolution of 12 March 2014, Parliament asked the Council for extensive involvement in the legislative work through a constant flow of information and ongoing consultation;

⁽¹⁾ Texts adopted, P7_TA(2014)0234.

⁽²⁾ Texts adopted, P7_TA(2013)0444.

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- E. whereas different jurisdictions, legal traditions, law enforcement and judicial systems in the Member States should not hinder or undermine the fight against fraud and crime affecting the Union's financial interests;
- F. whereas terrorism is also financed by organised crime, with criminal groups collecting funding through fraud;
- G. whereas Article 86 of the Treaty on the Functioning of the European Union allows for the extension of the powers of the EPPO to include serious crimes having a cross-border dimension; whereas this possibility may be taken into account by the Council once the EPPO has been established and is functioning well;
1. Reaffirms its strong willingness to address the priorities for the establishment of the EPPO and to identify the principles and conditions under which it may give its consent;
 2. Reiterates the contents of its previous interim report, adopted in its resolution of 12 March 2014, and seeks to supplement and update them following the latest developments in the Council debate;
 3. Calls on the Council to ensure transparency and democratic legitimacy by keeping Parliament fully informed and regularly consulting it; urges the Council to take its views duly into account, as a precondition to securing consent for the adoption of the EPPO Regulation;
 4. Recalls that the EPPO should have competence for offences related to fraud against the financial interests of the Union; recalls, in this connection, that the relevant criminal offences are to be set out in the proposed directive on the fight against fraud to the Union's financial interests by means of criminal law (PIF Directive); calls on the Council, while acknowledging the progress made by the co-legislators in negotiations for the adoption of the PIF Directive, to renew its efforts to find agreement on the latter for the establishment of the EPPO;
 5. Believes that an innovative approach is needed for investigating, prosecuting and bringing to court perpetrators of fraud to the Union's financial interests, in order to increase the efficiency of the fight against fraud, the rate of recovery and taxpayers' confidence in the EU institutions;
 6. Deems it crucial to ensure the establishment of a single, strong, independent EPPO that is able to investigate, prosecute and bring to court the perpetrators of criminal offences affecting the Union's financial interests, and believes that any weaker solution would be a cost for the Union's budget;

An independent European Public Prosecutor's Office

7. Emphasises that the structure of the EPPO should be fully independent of national governments and the EU institutions and protected from political influence and pressure; calls, therefore, for openness, objectiveness and transparency in the selection and appointment procedures for the European Chief Prosecutor, his/her deputies, the European Prosecutors and the European Delegated Prosecutors; believes that in order to prevent any conflicts of interests, the position of European Prosecutor should be a full-time position;
8. Stresses the importance of its involvement in the appointment procedures of the European Prosecutors and suggests an open competition for candidates who meet the necessary criteria of integrity, professionalism, experience and skills; believes that the European Prosecutors should be appointed by the Council and Parliament by common accord on the basis of a shortlist drawn up by the Commission, following an evaluation by an independent panel of experts chosen from among judges, prosecutors and lawyers of recognised competence; the European Chief Prosecutor should be appointed in accordance with the same procedure following a hearing by Parliament;

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9. Believes that the members of the College should be dismissed following a decision by the Court of Justice of the European Union, upon request by the Council, the Commission, Parliament and/or the European Chief Prosecutor;
10. Stresses that Member States must involve national self-governing judicial bodies in the nomination procedures for European Delegated Prosecutors, in accordance with national laws and practices;
11. Welcomes the provision contained in the Council text regarding an annual report to the EU institutions in order to guarantee a continuous assessment of the activities carried out by the new body; calls on the Council to ensure that the annual report contains, inter alia, details on the willingness of national authorities to cooperate with the EPPO;

A clear division of jurisdiction between the EPPO and national authorities

12. Believes that rules governing the division of jurisdiction between the EPPO and the national authorities should be clearly defined in order to avoid any uncertainty or misinterpretation in the operational phase: the EPPO should have jurisdiction to investigate and prosecute the offences constituting fraud to the Union's financial interests according to the directive on the fight against fraud to the Union's financial interests by means of criminal law; believes that the EPPO should first decide whether it has competence and before national authorities initiate their own investigations, in order to avoid parallel investigations which are inefficient;
13. Insists that national authorities that carry out investigations of offences which may fall under the competence of the EPPO should be obliged to inform it of any such investigations; reiterates the need for the EPPO to have the right to take over such investigations, where it determines that that is appropriate, so as to ensure the independence and effectiveness of the Office;
14. Reiterates that the powers of the European Public Prosecutor's Office should extend to offences other than those affecting the Union's financial interests only where cumulatively:
 - (a) the particular conduct simultaneously constitutes an offence affecting the Union's financial interests and other offences; and
 - (b) the offences affecting the Union's financial interests are predominant and the others are merely ancillary; and
 - (c) the other offences would be barred from further trying and punishment if they were not prosecuted and brought to judgment together with the offences affecting the Union's financial interests;

believes, also, that in case of disagreement; between the EPPO and the national prosecution authorities over the exercise of competence, the EPPO should decide, at central level, who will investigate and prosecute; believes, furthermore, that the determination of competence, in accordance with those criteria, should always be subject to judicial review;

An efficient structure for the effective management of cases

15. Finds it regrettable that the option of a collegiate structure is being considered by the Member States, instead of the hierarchical one initially proposed by the Commission; believes, in this regard, that the decision to prosecute, the choice of the competent jurisdiction, the decision to reallocate or dismiss a case and the decision on transactions should all be taken at central level by the Chambers;
16. Underlines the fact that the Chambers should play a leading role in investigations and prosecutions and not limit theirs activities to mere functions of coordination, but should supervise the work of the European Delegated Prosecutors in the field;
17. Is concerned over the automatic link between a European Prosecutor in the Central Office and a case lodged in his/her Member State, owing to the fact that this could lead to evident shortcomings in terms of the independence of the prosecutors and the even distribution of cases;

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18. Calls, therefore, for the rational organisation of the workload of the Office at central level; notes, in this connection, that the system for allocating cases among the Chambers should follow predetermined and objective criteria; suggests, also, that at a later stage a specific specialisation of the Chambers could be envisaged;

19. Is convinced that the necessary knowledge, experience and expertise of the national law enforcement systems will also be guaranteed by the EPPO personnel in the Central Office;

Investigative measures and admissibility of evidence

20. Calls on the legislator to guarantee streamlined procedures for the EPPO to obtain authorisation for investigative measures in cross-border cases, in accordance with the law of the Member States, where the measure in question is executed; recalls that the co-legislators agreed on criteria for Member States to make requests as regards investigative measures based on the principle of mutual recognition in Directive 2014/41/EU regarding the European Investigation Order in criminal matters; believes that the same criteria should apply in respect of investigative measures to be authorised by the EPPO, particularly with regard to grounds for refusal;

21. Calls on the Council to ensure the admissibility of the evidence gathered by the EPPO with full respect for the relevant European and national legislation across the Union, as this is crucial for ensuring the effectiveness of prosecutions, in accordance with Article 6 TEU, the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights;

22. Reiterates the need for the EPPO to seek out all relevant evidence, whether inculpatory or exculpatory; insists, furthermore, that it is necessary to grant suspects or accused persons in any investigation undertaken by the EPPO certain rights concerning evidence, in particular:

- (a) The suspect or accused should have the right to present evidence for the consideration of the EPPO;
- (b) The suspect or accused should have the right to request that the EPPO gather all evidence of relevance to investigations, including appointing experts and hearing witnesses;

23. Believes, given the possible multiple jurisdictions for cross-border offences falling under the competence of the EPPO, that it is essential to ensure that the European Prosecutors, European Delegated Prosecutors and national prosecuting authorities respect fully the principle of *ne bis in idem* with regard to prosecutions involving offences which fall under the competence of the EPPO;

Access to judicial review

24. Affirms that the right to a judicial remedy should be upheld at all times in respect of the EPPO's activity and recognises, also, the need for the EPPO to operate effectively; believes, therefore, that any decision taken by the EPPO should be subject to judicial review before the competent court; stresses that the decisions taken by the Chambers, such as the choice of jurisdiction for prosecution, the dismissal or reallocation of a case or a transaction, should be subject to judicial review before the Union courts;

25. Believes that for the purposes of the judicial review of all investigative and other procedural measures adopted in its prosecution function, the EPPO should be considered to be a national authority before the competent courts of the Member States;

Coherent legal protection for suspects or accused persons

26. Recalls that the new Office should carry out its activities with full respect for the rights of suspects or accused persons which are enshrined in Article 6 TEU, Article 16 TFEU and the Charter of Fundamental Rights of the European Union, and in those legislative measures already adopted at Union level on the procedural rights of suspects and persons accused in criminal proceedings and on the protection of personal data;

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27. Affirms that the future directive on legal aid should apply equally to all suspects or accused persons who are under investigation or are being prosecuted by the EPPO; calls on the Member States, in the absence of an EU directive, to ensure effective access to legal aid in accordance with the relevant national laws;

28. Emphasises that all suspects or accused persons who are under investigation or are being prosecuted by the EPPO have the right to the protection of their personal data; underlines, in this regard, the fact that the processing of personal data carried out by the EPPO must be subject to Regulation (EC) No 45/2001; stresses that any specific provisions on data protection contained in the Council regulation on the establishment of the EPPO may only complement and further elaborate the provisions contained in Regulation (EC) No 45/2001, and only to the extent that it is necessary;

29. Reaffirms its strong willingness to establish the EPPO and to reform Eurojust, as has been anticipated by the Commission in both of its proposals; requests that the Commission readjust estimations of the budgetary impact of the collegiate structure; calls for clarification on the relations between Eurojust, the EPPO and OLAF in order to differentiate their respective roles in the protection of the EU's financial interests; calls on the Council and the Commission to examine the possibility of a stronger integrated approach of these agencies in order to make investigations more effective;

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30. Urges the Council to follow these recommendations and underlines the fact that the aforementioned conditions are essential for Parliament to give its consent to the Council's draft regulation;

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

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P8_TA(2015)0174

Alcohol strategy

European Parliament resolution of 29 April 2015 on Alcohol Strategy (2015/2543(RSP))

(2016/C 346/05)

The European Parliament,

- having regard to the question to the Commission on EU Alcohol Strategy (O-000008/2015 — B8-0108/2015),
 - having regard to Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC ⁽¹⁾,
 - having regard to its resolution of 8 March 2011 on reducing health inequalities in the EU ⁽²⁾,
 - having regard to Article 168 of the Treaty on the Functioning of the European Union, which states that the Union shall only complement the Member States' action on public health issues,
 - having regard to the 2011 Annual report of the EU Platform on Diet, Physical Activity and Health,
 - having regard to its resolution of 5 September 2007 on a European Union strategy to support Member States in reducing alcohol-related harm ⁽³⁾,
 - having regard to the conclusions of the Employment, Social Policy, Health and Consumer Affairs Council meeting of 1-2 December 2011 on closing health gaps within the EU through concerted action to promote healthy lifestyle behaviours,
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the misuse of alcohol is the second-largest lifestyle-related cause of disease in some Member States, and alcohol addiction is a risk factor for over 60 chronic diseases, including alcoholic liver disease (ALD), alcoholic chronic pancreatitis and almost all other digestive diseases, cancer, diabetes, cardiovascular diseases, obesity, Foetal Alcohol Spectrum Disorders (FASD) and neuropsychiatric disorders such as alcohol dependence;
- B. whereas the competent authorities in the Member States are best prepared to work out individually tailored policies to prevent people from abusing alcohol;
- C. whereas there is a causal relationship between the abuse of alcohol and a whole range of mental and behavioural disorders, other non-transmissible diseases and injuries;
- D. whereas the social costs directly and indirectly attributable to the misuse of alcohol were estimated at EUR 155,8 billion in Europe in 2010, of which the majority (EUR 82,9 billion) lie outside the healthcare system;

⁽¹⁾ OJ L 86, 21.3.2014, p. 1.

⁽²⁾ OJ C 199 E, 7.7.2012, p. 25.

⁽³⁾ OJ C 187 E, 24.7.2008, p. 160.

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- E. whereas the abuse of alcohol causes 3,3 million deaths worldwide each year, or 5,9 % of deaths; whereas roughly 25 % of all deaths in the 20-39 age group can be attributed to alcohol abuse; whereas these deaths often follow accidents, acts of violence or liver disease;
- F. whereas approximately 5 to 9 million children live in families which are adversely affected by alcohol consumption;
- G. whereas not all alcohol consumption has the same consequences, as it very much depends on the pattern of consumption, including what is consumed and how; whereas drinking patterns and trends vary greatly among regions of the European Union, with significant subregional patterns of consumption and health effects linked to harmful use of alcohol across the EU; whereas social, cultural, geographical and economic variations in the EU countries make it necessary to distinguish among different consumption patterns and trends;
- H. whereas a policy to reduce alcohol-related harm and support responsible alcohol consumption, tailored to specific local and regional situations, would result in a reduction in healthcare and social spending related to the direct and indirect effects of alcohol-related harm, such as alcohol addiction, chronic diseases, mortality and domestic violence, as well as alcohol-related costs; whereas a policy for reducing alcohol-related harm should involve not only the health sector but also relevant stakeholders, including associations supporting people suffering from alcoholism, and should be fully consistent with the principles of subsidiarity and Health in All Policies, while ensuring significant improvements in public health;
- I. whereas abusive and harmful alcohol consumption can lead to alcohol addiction, which needs to be tackled via increased attention and support within the healthcare systems of the Member States;
- J. whereas it should be emphasised that some groups are more likely to exhibit wrong behaviours related to alcohol consumption, among them young people. with alcohol-related deaths accounting for around 25 % of all deaths in young men aged between 15 and 29, and one in every 10 deaths among young women; whereas excessive alcohol consumption among young people is a practice which is becoming more widespread in the Member States, involving particular methods of consumption such as binge drinking; whereas, as a rule, a man's liver processes alcohol many times faster than a woman's, which means that women will become chronic alcoholics much more quickly and by drinking smaller quantities of alcohol;
- K. whereas alcohol-related harm tends to be linked to a variety of factors, such as socio-economic level, cultural background and drinking patterns and parental and peer influence, as well as the extent and level of implementation and enforcement of appropriate policies in this area; whereas the vulnerabilities within one society can sometimes be as different as the vulnerabilities between different societies;
- L. whereas in some regions of Europe the artisanal production of alcoholic drinks is a cornerstone of local tourism;
- M. whereas advertising and marketing impact on alcohol consumption levels, particularly among young people; whereas the implementation of Directive 2010/13/EU on audiovisual media services is essential for the effective protection of the physical, mental and moral development of children and minors; whereas there is a correlation between starting drinking at an early age and the likelihood of adult alcohol-related problems; whereas the most effective tools to prevent excessive alcohol consumption by young people are education, information and prevention campaigns; whereas, therefore, the Commission should begin without delay to devise a new European alcohol strategy that will help restrict excessive alcohol consumption, and the public should be informed by an awareness-raising campaign of the adverse effects of alcohol consumption on health;

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- N. whereas the World Health Organisation (WHO) highlights the need for further knowledge and action on topics such as the relation between alcohol consumption and the unborn child, alcohol and the elderly, the impacts on socially disadvantaged people, and alcohol-abuse-related social exclusion;
- O. whereas the different social, cultural, geographical and economic factors within the European Union create habits and trends in alcohol consumption which vary even locally, creating differing attitudes towards drinking;
- P. whereas a clear distinction between responsible and harmful alcohol consumption is needed; whereas responsible alcohol consumption is compatible with a healthy way of living;
- Q. whereas around one traffic accident in four can be linked to drink-driving, and at least 5 200 people are killed in alcohol-related road incidents in the EU each year; whereas drink-driving remains the second-biggest killer on EU roads;
- R. whereas many EU citizens, especially young people, are insufficiently informed about the health dangers of harmful alcohol consumption and addiction, and whereas prevention and raising of awareness are therefore essential within the new European alcohol strategy; whereas early identification and counselling of people with harmful patterns of alcohol consumption have proved effective; whereas there is a great deal of room for improvement with regard to the protection of minors from alcohol advertising;
- S. whereas Regulation (EC) No 178/2002 of 28 January 2002⁽¹⁾ concludes that food is to be deemed unsafe if it is considered to be injurious to health;
- T. whereas different age groups display different drinking patterns, which to date have not been studied proportionately;
- U. whereas Regulation (EU) No 1169/2011 of 25 October 2011 on the provision of food information to consumers⁽²⁾ excluded beverages with an alcoholic content over 1,2 % of volume from two of its provisions, namely the ingredients list and the nutritional labelling requirements; whereas, given the nature of alcohol-related risks, comprehensive information regarding alcoholic beverages is nevertheless necessary;
- V. whereas under Regulation (EU) No 1169/2011 the Commission was required to produce by December 2014 a report evaluating whether alcoholic beverages should in future be covered by the requirement to provide information on energy value, and the reasons justifying possible exemptions, as well as a legislative proposal, if appropriate, that would determine the rules for a list of ingredients or a mandatory nutrition declaration for those products;
- W. whereas the EU Alcohol Strategy has been successful in supporting Member States' actions to reduce alcohol-abuse-related harm, in particular through the sharing of best practices in areas such as the protection of young people, reducing alcohol-abuse-related road accidents, awareness-raising education on alcohol consumption, and a common database and monitoring at EU level, as well as in enhancing the coordination between the Commission and Member States which ultimately led to the development of the Action Plan on Youth Drinking and Heavy Episodic Drinking (2014-2016) by the Committee for National Alcohol Policy and Action (CNAPA);
- X. whereas the involvement of a wide range of stakeholders, within the European Alcohol and Health Forum (EAHF) and beyond, has fostered the development of concrete and measurable actions to reduce harm related to alcohol abuse at local level throughout the European Union;
- Y. whereas the third Programme for the Union's action in the field of health (2014-2020) promotes the uptake of validated best practice for cost-effective prevention measures focused on the key risk factors, including the abuse of alcohol;

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 304, 22.11.2011, p. 18.

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Z. whereas the external evaluation of the Strategy carried out in 2012 confirmed the relevance and usefulness of the approach of the existing Strategy and its priority themes;

1. Notes that at the meeting of CNAPA held on 22 October 2013 the Commission announced its intention to work in close cooperation with Member States to develop a European Action Plan to Reduce Alcohol-Related Harm; notes the adoption in September 2014 of an Action Plan on Youth Drinking and on Heavy Episodic Drinking (Binge Drinking) (2014-2016), and calls on the Commission to monitor its implementation by Member States;

2. Calls on the Commission to provide guidance on combating alcohol-related harm and to continue its work of supporting the competent authorities in the Member States where this brings added value, while respecting the principles of subsidiarity and proportionality;

3. Emphasises that reducing the health, security and socio-economic problems caused by alcohol would require action on the extent, patterns and contexts of alcohol consumption, as well as on the wider associated social determinants, by such means as education and the launching of information campaigns;

4. Calls on the Commission to begin work immediately on the new EU Alcohol Strategy (2016-2022) with the same objectives, updating the regulatory framework so as to assist national governments in dealing with alcohol-related harm, to support monitoring and the collection of reliable data, to encourage prevention and health promotion and education, early diagnosis, improved access to treatment, continuous support to those affected and their families, including counselling programmes, to reduce traffic accidents caused by drink-driving and to better differentiate within drinking patterns, behaviours and attitudes towards alcohol consumption;

5. Considers that the current EU Strategy to support Member States in addressing alcohol-related harm should be renewed in basically the same format, and with the same objectives i.e. to address alcohol-related harm at Member State level, to be action-oriented, and to foster a participative multi-stakeholder approach;

6. Urges the Commission to produce immediately the report required in Regulation (EU) No 1169/2011 by December 2014, evaluating whether alcoholic beverages should in future be covered by the requirement to provide information on ingredients and nutritional content while considering in particular the impact on SME and artisanal production;

7. Urges the Commission to immediately ask the European Food Safety Authority (EFSA) to re-evaluate the use of acetaldehyde as a flavouring substance in alcoholic and non-alcoholic beverages;

8. Stresses the need for at least the calorie content of alcoholic beverages to be clearly stated on labels as soon as possible, and calls on the Commission to come forward with the corresponding legislative proposal at the latest in 2016;

9. Calls on the Commission to start immediate work on a new EU Alcohol Strategy for the period 2016-2022, taking into account the CNAPA Action Plan and the conclusions of the independent evaluation of the EU Alcohol-related Harm Strategy, so as to ensure an enduring impact for the results obtained so far and to continue to support national governments in addressing alcohol-related harm in the long term;

10. Stresses that complementarity between legislation and codes of conduct on protecting minors from the negative consequences of hazardous alcohol consumption is necessary to ensure the effective protection of minors; calls on the Member States to strictly enforce the existing national legislation on age limits on alcohol consumption and to evaluate the need for further legally binding requirements to ensure the effective protection of minors;

11. Calls on the Member States to implement policies and treatments within their healthcare systems that reduce alcohol addiction in individuals;

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12. Calls on the Member States to increase their efforts to educate the general public, particularly minors and pregnant women, on the harmful effects of alcohol consumption and, where required, to legislate accordingly;
13. Recognises the differences in consumption patterns among the Member States and the cultural aspects of responsible alcohol consumption;
14. Stresses the need for an EU-wide information campaign warning pregnant women not to consume alcohol, and calls on the Commission to examine the effect of labelling on this issue and come forward with corresponding legislative proposal at the latest in 2016;
15. Urges the Member States, which are primarily responsible in this area, to draw up, implement and evaluate public health policies aimed at reducing the harmful use of alcohol and putting in place strict regulations on the marketing of alcoholic beverages, particularly to minors;
16. Calls on the Commission to consider EU-wide labelling alerting consumers to the dangers of drinking and driving;
17. Calls on the Commission to evaluate and, if necessary, reform the role and functioning of the EAHF, in order to ensure that its membership is truly representative of all relevant stakeholders, in a balanced manner, with proper representation of economic operators and NGOs, and to work on encouraging and supporting their participation to the Forum and their commitment to developing concrete and effective actions to reduce alcohol-related harm and supporting targeted actions which are relevant at the national, regional and local levels;
18. Calls on the Commission to introduce further operational improvements to the current EU Strategy implementation, such as: extending EAHF membership to all relevant stakeholders; increasing interaction with CNAPA at EU level; promoting good practices for designing, monitoring and evaluating commitments; collecting better indicators providing an objective, up-to-date and realistic picture of drinking patterns and alcohol-related harm; and supporting targeted actions which are relevant at local levels, on a basis of full respect for the fundamental EU Treaty rules;
19. Stresses that the new EU Alcohol Strategy should not set new targets, but should, rather, support those already agreed as part of the WHO's European action plan for 2012-2020 to reduce the harmful use of alcohol;
20. Notes that a new EU strategy can be valuable in offering Member States evidence-based options for action, as it is the responsibility of national, regional and local authorities to use the most suitable approach to reduce alcohol-related harm; urges the Commission to continue with the valuable role it is playing in fostering good research and sharing evidence;
21. Reiterates the importance of a strong political commitment from the Commission, Parliament, the Council and the Member States to increasing efforts to prevent alcohol-related harm and providing an adequate evidence-based policy response which reflects the severe and diverse health and socio-economic impacts of alcohol-related harm and its interrelations with other risk factors;
22. Recalls the importance of measurable and rigorous policy goals and adequate multiannual mechanisms to monitor progress to ensure effective implementation of the Strategy across Member States; stresses the need to monitor the implementation of alcohol-related national legislation;
23. Calls on the Commission and the Member States to actively support the improvement of indicators, reliable data collection, comparability and timely analysis with regard to alcohol consumption and its health and social consequences, to allocate appropriate resources to reduce the burden due to alcohol misuse and the direct and indirect costs to society of alcohol-related harm, and to promote the effective integration of relevant data into EU and national alcohol policies using a common evidence basis;

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24. Urges the Member States to strengthen efforts to protect young people from alcohol-related harm, in particular by strictly enforcing national legislation on the age limit and ensuring responsible advertising;
25. Calls on the Commission and the Member States to invest in education in order to stress the effects on health and society of harmful alcohol consumption while promoting moderation and responsibility in the consumption of alcoholic drinks;
26. Stresses that public money should not be used to promote the consumption of alcohol, with the exception of promotion measures covered by Regulation (EU) Nos 1144/2014 and 1308/2013;
27. Stresses the need for the Member States to restrict alcohol sales for those under the legal age for alcohol purchase by conducting regular control measures, in particular in the vicinity of schools; calls on the Commission to properly address the cross-border sale of alcohol on the internet; calls on the Commission and the Member States to conduct campaigns to raise awareness of the dangers of binge drinking, especially for under-age people, and to make further efforts to reduce traffic accidents related to drink-driving;
28. Urges the Commission to closely monitor the implementation of Directive 2010/13/EU on audiovisual media services and to consider its revision with respect to the marketing of alcohol to young people and alcohol sponsorship so as to reduce the exposure of young people to marketing of alcoholic beverages;
29. Calls on the Member States and the Commission, and on all other relevant stakeholders, to review and strengthen awareness campaigns targeting harmful alcohol consumption, especially by pregnant women, and the impact of alcohol on the unborn child;
30. Calls on the Commission and the Member States to consider concrete measures to restrict alcohol consumption, particularly among minors and those suffering from serious conditions, chronic illnesses or severe dependencies linked to alcohol consumption;
31. Calls on the Commission to maintain in its strategy financial support for effective and science-based projects addressing alcohol-abuse-related harm and the understanding of the underlying causes of alcohol abuse, under the new Health Programme and the Horizon 2020 Programme; calls on the Commission to ensure that its financial support is only addressed to projects with a scientifically sound methodology and objective operator;
32. Calls on the Member States, the Commission and other stakeholders to diversify their information campaigns concerning the dangers of alcohol consumption for the various age groups, as well as the way in which people drive and the effects of drinking and driving, to adapt such campaigns to the various age groups and to pursue them more vigorously;
33. Calls on the Member States to implement awareness and education measures targeting young people as part of their strategies to prevent abuse and spread best practices;
34. Calls on the Member States to build on the WHO Alcohol Strategy and to improve the early detection of harmful alcohol consumption in primary care, by promoting screening and ensuring adequate support services for the treatment of alcohol use disorders and related chronic conditions;
35. Stresses that the rules operated by the respective authorities in the Member States must contribute to raising awareness of the consequences of alcohol abuse, to making treatment accessible and affordable to those suffering from disorders linked to overconsumption of alcohol, and to put in place screening programmes and short interventions in cases of harmful and dangerous alcohol consumption; calls on the Member States to cooperate in order to find solutions to assist those suffering from disorders, chronic illnesses or severe dependencies related to alcohol consumption, to help them care for themselves and end their dependency;
36. Regrets that key alcohol addiction services have been cut in certain Member States;

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37. Calls on the Member States and all other relevant stakeholders to continue, intensify and/or develop policies and actions promoting healthy lifestyle behaviours, including proper nutrition and sport and healthy recreational activities, while recognising that moderate enjoyment of alcoholic beverages is a significant component of cultural life in many Member States and need not conflict with a healthy lifestyle;
 38. Calls on the Member States to carefully consider the appropriateness of introducing national policies aimed at preventing the sale of very cheap alcohol, provided such measures ensure the effective protection of health and pay due regard to the principles of proportionality and subsidiarity and to the forthcoming opinion of the Court of Justice of the European Union on the compatibility of the Scottish Government's minimum pricing policy with EU law;
 39. Urges the Member States to examine their existing legislation and initiatives relating to consumer information and appropriate drinking culture, in order to educate on and raise awareness of the consequences of harmful alcohol consumption and to reduce alcohol-abuse-related harm; in particular, recommends Member States to monitor alcohol advertising and its effect on young people and to take appropriate action with a view to limiting their exposure to it;
 40. Calls on the Commission to assess existing European legislation in regard to the need to improve consumer information on alcohol, ensuring that consumers are aware of alcohol and calorie content without imposing barriers to the single market; stresses the importance of clear, concise and effective information on the effects of alcohol consumption and its health risks; calls on the Commission to consider adopting an EU-wide label containing a warning to consumers about the dangers of alcoholic drinks during pregnancy and when driving;
 41. Calls on the Commission and the Member States to devise appropriate strategies and intensify controls in order to tackle the problem of alcohol counterfeiting, as well as illegal and black-market sales of alcohol, which have particularly negative effects for the most disadvantaged sections of society and for young people, and to protect geographical indications within the Union and globally through international trade agreements;
 42. Instructs its President to forward this resolution to the Commission.
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P8_TA(2015)0175

Second anniversary of the Rana Plaza building collapse and the state of play of the Sustainability Compact

European Parliament resolution of 29 April 2015 on the second anniversary of the Rana Plaza building collapse and progress of the Bangladesh Sustainability Compact (2015/2589(RSP))

(2016/C 346/06)

The European Parliament,

- having regard to its previous resolutions on Bangladesh, in particular those of 18 September 2014 ⁽¹⁾, 16 January 2014 ⁽²⁾, 21 November 2013 ⁽³⁾ and 14 March 2013 ⁽⁴⁾,
- having regard to its resolutions of 25 November 2010 on human rights and social and environmental standards in international trade agreements ⁽⁵⁾ and on corporate social responsibility in international trade agreements ⁽⁶⁾,
- having regard to the Cooperation Agreement between the European Community and the People's Republic of Bangladesh on Partnership and Development ⁽⁷⁾,
- having regard to the Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh,
- having regard to the joint statement by Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy Federica Mogherini, Commissioner for Trade Cecilia Malmström, Commissioner for Employment, Social Affairs, Skills and Labour Mobility Marianne Thyssen, and Commissioner for International Cooperation and Development Neven Mimica, on the occasion of the second anniversary of the Rana Plaza tragedy,
- having regard to the UN Johannesburg Declaration on sustainable consumption and production to promote social and economic development,
- having regard to the ILO Promotional Framework for Occupational Safety and Health (2006, C-187) and the Occupational Safety and Health Convention (1981, C-155) which have not been ratified by Bangladesh, as well as to their respective recommendations (R-197); having regard also to the Labour Inspection Convention (1947, C-081) to which Bangladesh is a signatory, and to its recommendations (R-164),
- having regard to the ILO Better Work Bangladesh programme launched in October 2013,
- having regard to the Commission communication entitled 'A renewed EU strategy 2011-2014 for Corporate Social Responsibility' (COM(2011)0681) and to the results of the public consultation on the Commission's work on the direction of its corporate social responsibility (CSR) policy after 2014,
- having regard to its resolutions of 6 February 2013 on 'Corporate Social Responsibility: accountable, transparent and responsible business behaviour and sustainable growth' ⁽⁸⁾, and on 'Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery' ⁽⁹⁾,

⁽¹⁾ Texts adopted, P8_TA(2014)0024.

⁽²⁾ Texts adopted, P7_TA(2014)0045.

⁽³⁾ Texts adopted, P7_TA(2013)0516.

⁽⁴⁾ Texts adopted, P7_TA(2013)0100.

⁽⁵⁾ OJ C 99 E, 3.4.2012, p. 31.

⁽⁶⁾ OJ C 99 E, 3.4.2012, p. 101.

⁽⁷⁾ OJ L 118, 27.4.2001, p. 48.

⁽⁸⁾ Texts adopted, P7_TA(2013)0049.

⁽⁹⁾ Texts adopted, P7_TA(2013)0050.

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- having regard to the UN Guiding Principles on Business and Human Rights, which set a framework for both governments and companies to protect and respect human rights, endorsed by the Human Rights Council in June 2011,
 - having regard to the UNHRC resolution adopted on 26 June 2014, which establishes an intergovernmental working group with the mandate of developing an international legally binding instrument to regulate the activities of transnational corporations,
 - having regard to the ILO Declaration on Fundamental Principles and Rights at Work,
 - having regard to the United Nations Global Compact on human rights, labour, environment and anti-corruption,
 - having regard to the Commission proposal for a Regulation setting up a Union system for supply chain due diligence (COM(2014)0111) aiming at transposing into legislation the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas,
 - having regard to the draft law related to due diligence of the parent firms and main contractor companies (N° 2578) adopted at first reading by the French National Assembly on 30 March 2015,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on 24 April 2013, the Rana Plaza, an eight-storey building in Savar, outside Dhaka, housing several garment factories, collapsed, causing the death of over 1 100 people and leaving some 2 500 people injured; whereas the Rana Plaza building collapse was Bangladesh's worst-ever industrial disaster and the deadliest accidental structural failure in modern history;
- B. whereas at least 112 people died at the Tazreen factory fire, in the Ashulia district, Dhaka, Bangladesh, on 24 November 2012; whereas factory fires, building collapses and other accidents relating to health and safety issues at work are not limited to the RMG sector in Bangladesh alone but remain issues of serious concern in other developing and Least-Developed Countries with a strong export-oriented ready-made garment (RMG) sector, such as Pakistan or Cambodia;
- C. whereas, following the end of the Multi-Fibre Agreement, and due to the high labour intensity of the RMG sector, developing countries such as China, Bangladesh, India and Vietnam have become global producers; whereas Bangladesh had become the second-largest exporter of garments in the world after China, with one of the lowest garment wages, the textile sector providing for almost 85 % of the country's exports; whereas 60 % of its clothing output is going to the EU, which is Bangladesh's major export market;
- D. whereas the RMG industry in Bangladesh employs some 4 million people and indirectly supports the livelihoods of as many as 40 million people — about a quarter of Bangladesh's population; whereas the RMG industry has importantly contributed to poverty reduction; whereas Bangladesh has made great strides in reducing the gender gap in society, having successfully achieved the third UN Millennium Development Goal on gender equality, and whereas the RMG sector has provided an important contribution since 3,2 million out of the 4 million workers employed in the sector are women; whereas the employment of women has, in many cases, contributed to their empowerment;
- E. whereas the reorganisation of the RMG sector around the integrated value chain model has meant that orders can only be secured by improving productivity and further lowering production costs, this making Bangladesh and other developing countries' workforces particularly vulnerable; whereas Cambodia and Sri Lanka, where the economy is

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heavily dependent on the RMG sector, have experienced a decline in wages despite a steep increase in production facilities and employment; whereas in Bangladesh the minimum wage was increased substantially in the aftermath of the Rana Plaza disaster, yet still falls short of what is considered an adequate level to cover the basic needs of the workers;

- F. whereas, according to various reports, more than 600 garment workers died in factory fires in Bangladesh between 2006 and the beginning of 2013, while, according to reports by human rights organisations, none of the factory owners or managers has ever been brought to trial;
- G. whereas the collapsed building of the Rana Plaza complex was constructed illegally, and did not meet safety standards; whereas, following the disaster, 32 factories were permanently closed in Bangladesh as a result of significant safety concerns and 26 factories were partially closed; whereas there remains a significant number of factories that have yet to raise their standards to a legal level; whereas the ILO is supporting the initiative of the Government of Bangladesh to carry out structural, fire and electrical safety inspections of some 1 800 RMG factories, many of which are converted commercial or residential buildings;
- H. whereas on 24 April 2013, the 'Understanding for a Practical Arrangement on Payments to the Victims of the Rana Plaza Accidents and their Families' (Donor Trust Fund), to compensate the victims of the disaster and their families, was signed by the representatives of the Government of Bangladesh, local garment manufacturers and international garment brands, local and international trade unions and international NGOs; whereas the amount determined to cover the costs of all claims is USD 30 million; whereas, as of the second anniversary of the disaster, the total amount raised by voluntary corporate contributions was around USD 27 million, thus leaving 3 million outstanding;
- I. whereas financial compensation is a fundamental economic support and it will not be possible to pay the medical costs of those victims requiring long-term medical care if the fund remains underfinanced; whereas Parliament regretted that the voluntary compensation arrangement through the Donor Trust Fund had not reached its target and noted that a mandatory mechanism would be more beneficial for the survivors and the families of the victims;
- J. whereas as a result of these tragic events at Rana Plaza, and following the public outcry and calls for action by the European Parliament, the EU, in collaboration with the Government of Bangladesh and the ILO, launched, on 8 July 2013, the 'Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh' (the Compact), where Bangladesh committed to take action to improve labour standards and working conditions in the country's RMG industry;
- K. whereas Bangladesh had only 92 inspectors to control around 5 000 ready-made garment (RMG) factories and other industries in the country before the accident; whereas the Government of Bangladesh had committed to recruiting an additional 200 inspectors by the end of 2013;
- L. whereas the first review of the Compact took place in October 2014 and concluded that, while good progress had been made, further important steps had to be taken by the Government of Bangladesh, notably regarding the improvement and implementation of the Labour Law, improving labour rights in Export Processing Zones (EPZ) and the hiring of more labour inspectors; whereas the second review of the Compact will take place in Autumn 2015;
- M. whereas the Bangladesh Labour Act (Labour Law) was amended in July 2013; whereas the law, while including some positive reforms such as in the area of occupational health and safety, continues to fall short of international standards with regard to freedom of association and collective bargaining, as highlighted by the ILO Committee of Experts' comments on Conventions 87 and 98, including limitations on the right to elect representatives in full freedom, numerous limitations on the right to strike and broad administrative powers to cancel a union's registration, and whereas the government has stated repeatedly that it has no intention of considering additional amendments;

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- N. whereas the Bangladesh Accord on Fire and Building Safety (the Accord), a legally binding agreement, was signed by apparel corporations, global and local trade unions, NGOs and workers' rights groups on 13 May 2013, and the Alliance for Bangladesh Worker Safety (the Alliance) was established on 9 July 2013, bringing together 26 mainly North American brands, but with no trade union involvement; whereas at present 175 fashion and retail brands have signed up to the Accord; whereas the Accord and the Alliance have carried out inspections of the 1 904 export-oriented factories;
- O. whereas the Government of Bangladesh has yet to adopt the implementing rules and regulations for the Labour Law despite repeated promises to do so, the last time stating that they would adopt them by the summer of 2015; whereas the implementation of the Law is a necessary condition for eligibility to the ILO Better Work Programme and for the functioning of the training programme in the framework of the Accord;
- P. whereas in Bangladesh 10 % of the workforce in the RMG sector is employed in EPZs; whereas a new EPZ Labour Act was passed by the cabinet in July 2014, yet falls short of granting commensurate rights to workers with those granted elsewhere in Bangladesh; whereas, while the ban on striking elapsed on 1 January 2014, Worker Welfare Associations do not have the same rights and privileges as trade unions;
- Q. whereas about 300 new trade unions have been registered in the garment sector since the start of 2013; whereas in 2014, 66 applications, which amount to 26 % of all applications filed, were rejected; whereas anti-union discrimination remains a very serious and rapidly growing problem; whereas trade unions are reporting that the Government of Bangladesh is proactively preventing workers and employers who want to establish their own safety committees as required by the Accord from doing so;
- R. whereas Bangladesh ranks 136 out of 177 countries on the Transparency Index and whereas corruption is endemic in the global garment supply chain and involves the political class as well as local and multinational corporations;
- S. whereas, according to the Worker Rights Consortium, it would add less than 10 cents to the factory price of each of the 7 billion garments that Bangladesh sells each year to Western brands if the country's 5 000 garment factories were to be elevated to Western safety standards within 5 years; whereas there are no indications that prices of garment and textile articles have increased during the last two years;
- T. whereas the RMG sector is prominently dominated by large retailers, branded manufacturers and marketers which control global production networks and directly stipulate supply specifications; whereas clothing and textile manufacturers, in the context of a globalised industry, often have no choice but to accept lower prices, increase quality standards, shorten delivery times, reduce minimum quantities and take on as much risk as possible; whereas there are severe shortcomings in transparency and traceability in the global supply chain; whereas decent work in the global supply chain will be a key point on the agenda of the 2016 ILO Conference;
- U. whereas following the disaster, there has been unprecedented demand from European consumers for greater information on where products originate from and the conditions in which they are produced; whereas European citizens have submitted countless petitions and organised campaigns demanding greater accountability from garment brands to ensure their products are manufactured in an ethical way;
- V. whereas as a Least-Developed Country, Bangladesh benefits from duty-free quota-free access to the EU market for all its products under the Everything but Arms (EBA) initiative, which covers 55 % of Bangladesh's exports, much of it clothing/textiles, and is therefore bound to ensure effective implementation of a number of core UN/ILO conventions relating to human rights and labour rights;

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1. Remembers the victims on the occasion of the 2nd anniversary of the Rana Plaza tragedy, one of the most devastating industrial disasters ever; expresses its condolences once again to the bereaved families and to those injured or disabled; underlines that these losses could be avoided with better safety-at-work systems;
2. Recalls that the Rana Plaza Coordination Committee established the Rana Plaza Donors Trust Fund to voluntarily collect donations from companies in order to compensate the victims and families; deplores that USD 3 million of the USD 30 million total compensations were still outstanding in April 2015 and urges the international brands sourcing from Rana Plaza, or having significant ties to Bangladesh, the Government of Bangladesh and the Bangladesh Garment Manufacturers and Export Associations (BGMEA) to ensure that all owed compensations will be distributed without delay;
3. Denounces that about one-third of the companies that are deemed to have links to the factory complex, such as Adler Modemarkte, Ascena Retail, Carrefour, Grabalok, J.C. Penney, Manifattura Corona, NKD, PWT or YesZee, have yet to pay into the Trust Fund; deeply regrets that the fact that after months of stalling, Benetton has only granted USD 1,1 million to the Rana Plaza Donor Trust Fund, despite the necessary contribution being estimated to be much higher on the basis of its ability to pay and given the extent of its involvement with Rana Plaza; similarly regrets that every brand linked to Rana Plaza has made insufficient donations, thus failing to live up to their responsibilities to the victims, including Mango, Matalan, and Inditex, who have refused to disclose their donations, with others such as Walmart and The Children's Place only contributing a minimal amount;
4. Notes that the compensation for the Tazreen fire is now being negotiated on the same basis of the Rana Plaza arrangement, strongly regrets the ongoing delays and calls for compensation to be delivered in a timely manner;
5. Welcomes the steps that are being taken towards establishing a permanent national workplace accident insurance scheme and encourages the Government of Bangladesh to stand by its commitment in the framework of the National Tripartite Plan of Action in that respect; calls on the Commission to support such effort where appropriate, yet notes that while current compensation efforts are outstanding this will remain a barrier to progress in this area;
6. Calls on the Commission, EU Governments and others to consider proposals for mandatory frameworks that will ensure that access to remedy and compensation is based on need and responsibility and not just on the ability of campaign groups to name and shame or on the voluntary efforts of companies;
7. Welcomes the EU-led initiative to launch the Compact, aiming to ensure a new start in occupational safety and health, working conditions, respect of labour rights and promotion of responsible business conduct in the RMG industry in Bangladesh;
8. Notes the conclusions of the first review of the Compact in October 2014, reporting good progress achieved by the Bangladeshi authorities, and recognises the contribution of the Compact in improving health and safety in factories and working conditions in the RMG industry; urges, however, the Government of Bangladesh to enhance its level of engagement to actively implement all commitments in the Compact as a matter of highest priority; trusts that substantial progress in all labour and safety issues — in particular in respect of labour rights, labour inspections, decent wages, structural integrity of buildings and occupational safety and health and responsible business conduct — can be reached by the second review of the Compact due to take place in autumn 2015;
9. Notes the steps taken by Bangladesh in amending its Labour Law in the aftermath of Rana Plaza, strengthening fundamental rights in the areas of occupational health and safety and labour rights; regrets that a number of restrictions to workers' freedom of association were not addressed and that the Law still falls short of complying with core ILO conventions;

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10. In keeping with the commitments in the Compact, urges the Government and the Parliament of Bangladesh to adopt, as a matter of absolute priority, the necessary rules and regulations to ensure the effective implementation of the Law, in full consultation with the Tripartite Consultative Council and with particular attention given to the implementation of ILO conventions 87 and 98 on freedom of association and collective bargaining;

11. Is concerned by the situation in EPZs, where trade unions continue to be banned and working conditions, health and safety standards are poor, and stresses that workers there should enjoy fundamental legal freedoms and safety standards commensurate with those of workers elsewhere in the country; strongly regrets that the proposed EPZ Labour Act continued to prohibit workers from forming unions in EPZs and points out that Worker Welfare Associations in no way have rights and privileges comparable with those of trade unions; urges the Government of Bangladesh to immediately and fully extend the Labour Law to EPZs;

12. Welcomes the increase of the minimum wage in the RMG sector by 77 % from EUR 35 to EUR 62 per month and encourages more universal implementation; notes, however, that in practice the minimum wage in the garment industry still falls short of covering the basic needs of the workers and that it should amount to at least EUR 104 in order to do so, and calls on the Government of Bangladesh to establish a living minimum wage in full consultation with trade unions and employees; further urges the government to ensure that garment factories actually pay the wages that are due;

13. Welcomes the registration of about 300 new garment trade unions since the start of 2013, which doubles their number in the garment sector, but is concerned that in 2014 and 2015 the process of registration has slowed down; encourages the Bangladeshi authorities to continue along the initial positive trend to meet the objectives of an adequate representation of 4 million workers in the RMG sector;

14. Is highly concerned by reports that newly founded trade unions have suffered discrimination, dismissals and reprisals; is appalled by the widespread anti-union discrimination underlined by well documented acts of threats, harassment and physical violence against workers' representatives, including the murder of the trade union leader Aminul Islam; urges the Government of Bangladesh to effectively address unfair labour practices, by implementing the necessary measures to prevent, investigate and prosecute wrongdoings in an expedient and transparent manner in order to end impunity and also bring the murderers of Aminul Islam to justice; is convinced that adequate training and awareness raising on labour rights is an effective way of reducing anti-union discrimination;

15. Considers the existence of democratic trade union structures to play an important role in better health and safety standards, for example the continued development of worker-led safety committees in all factories; also stresses the importance of access to factories for unions to educate workers on how they can protect their rights and their safety, including their right to refuse unsafe work;

16. Welcomes the commitment made by the government to rebuild the Department of Inspections of Factories and Establishments (DIFE), which is expected to ultimately have 993 staff and 23 district offices, the upgrading of its inspection services in January 2014 and the adoption of a National Health and Safety Policy as well as unified standards for health and safety inspections; calls on the Commission and international partners to provide technical assistance and sharing of best practice to assist with the upgrade of DIFE; calls on the Government of Bangladesh to uphold its commitments on labour inspections and respect ILO convention 81; welcomes the closure of factories which have failed to meet safety standards;

17. Remains concerned by allegations of endemic corruption in Bangladesh between health and safety inspectors and clothing factory owners and calls for more to be done to combat such practices;

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18. Understands the difficulties in making progress in recruiting inspectors due to the necessity to adequately train people to a single standard and harmonised operating procedures before actual posting; regrets, however, that the target to recruit 200 inspectors by the end of 2013 has not yet been fulfilled as the current recruits stand at 173, and underlines that 200 inspectors are far below what is necessary to supervise an industry of 4 million workers;

19. Welcomes the fact that the Accord and the Alliance have completed the inspections of all factories under their remit and have finalised more than 400 Corrective Action Plans (CAPs); urges the Government of Bangladesh to complement such action by swiftly carrying out the inspection of the factories under its responsibility and to adopt adequate remedial actions; supports the important work of the ILO in helping secure this; welcomes the engagement of those manufacturers who wish to improve standards and calls on all stakeholders involved to ensure the correct implementation of CAPs;

20. Welcomes the fact that at present over 250 fashion and retail brands sourcing RMG from Bangladesh have signed the Accord or the Alliance to coordinate their efforts to help improve safety in Bangladesh's factories which supply them; in this context, encourages other companies, including SMEs, to join the Accord; underlines the need for appropriate involvement of all stakeholders for an effective implementation of the Accord and encourages its replication in other high-risk countries;

21. Encourages the Accord and the Alliance to improve their cooperation and systematically exchange reports of factory inspections to avoid duplication of work and differing standards; calls on the Alliance to also publish its reports in Bengali, including online, and to provide them with pictures so that they can be accessible to everyone in the country;

22. Believes that global retailers and branded manufacturers have a great deal of responsibility, with the current production patterns, in rendering the improvement of labour conditions and wages in producing countries difficult; is convinced that fairer market structure and social conditions could be created if those companies ensured, all along their supply chains, full respect of ILO core labour standards, internationally recognised Corporate Social Responsibility (CSR) standards, in particular the recently updated OECD Guidelines for Multinational Enterprises, the ten principles of the United Nations Global Compact, the ISO 26000 Guidance Standard on Social Responsibility, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and the United Nations Guiding Principles on Business and Human Rights; welcomes the Commission's flagship initiative on responsible management of the supply chain in the garment sector, taking into account already existing national initiatives in Germany, the Netherlands, France and Denmark, and believes that the EU has the ability and duty to be a global champion of supply chain responsibility;

23. Believes that access to information in the garment sector is often the most important obstacle to tackling human rights violations in the global supply chain and that a mandatory reporting system is needed which provides information linking all the actors within the value chain of a single product, from the production place to the retailers; considers that new EU legislation is necessary to create a legal obligation of due diligence for EU companies outsourcing production to third countries, including measures to secure traceability and transparency, in line with the UN Guiding Principles on Business and Human Rights and the OECD MNE Guidelines;

24. Calls on the Council and the Commission to include a mandatory and enforceable CSR clause in all bilateral trade and investment agreements signed by the EU, which would bind European investors to the principles of CSR as defined at the international level, including the 2010 update of the OECD Guidelines, standards defined by the UN, the ILO and the EU; requests that in future EU trade agreements with third countries, occupational safety and health should take a more prominent place as part of the decent work agenda and that the EU provide technical support for the implementation of these provisions so that they do not constitute a barrier to trade;

25. Acknowledges that employment in the garment sector has helped millions of poor rural women in Bangladesh and elsewhere to escape deprivation and dependence on male support; notes that the non-unionised workforce has been essentially composed of unskilled workers and women in the RMG sector in developing countries; recognises that progress in workers' rights and protection is vital for the empowerment of women and underlines the need to increase women's representation in trade unions, including the newly formed ones in Bangladesh, and welcomes the Compact in acknowledging the importance of gender empowerment in improving labour standards;

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26. Notes that the Everything But Arms (EBA) initiative has played an important role in Bangladesh's economic development and has contributed to improving material conditions for millions of people, in particular women; is convinced, however, that without a sound conditionality in the area of human and labour rights, EBA and GSP risk exacerbating low standards in worker protection and undermining decent work; calls on the Commission to establish whether Bangladesh is adhering to human rights, labour and environmental conventions under the GSP and to report back to Parliament; stresses that countries that make good progress in social and labour standards should be rewarded by preserving full market access for their products;

27. Encourages VP/HR Mogherini and Commissioner Malmström to continue to include the ratification of core ILO standards, health and safety inspection and freedom of association in discussions with Bangladesh on continued preferential trade;

28. Instructs its President to forward this resolution to the Council, the European External Action Service, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the UN Human Rights Council, the Government and Parliament of Bangladesh, and the Director-General of the ILO.

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P8_TA(2015)0176

Extraordinary European Council meeting (23 April 2015) — The latest tragedies in the Mediterranean and EU migration and asylum policies**European Parliament resolution of 29 April 2015 on the latest tragedies in the Mediterranean and EU migration and asylum policies (2015/2660(RSP))**

(2016/C 346/07)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the Geneva Convention of 1951 and the additional protocol thereto,
 - having regard to its resolution of 23 October 2013 on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa ⁽¹⁾,
 - having regard to the Commission staff working document of 22 May 2014 on the implementation of the communication on the work of the Task Force Mediterranean,
 - having regard to the debate on the situation in the Mediterranean and the need for a holistic EU approach to migration, held in Parliament on 25 November 2014,
 - having regard to its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration ⁽²⁾,
 - having regard to the UNHCR Central Mediterranean Sea initiative and to the UNHCR proposals to address current and future arrivals of asylum seekers, refugees and migrants in Europe,
 - having regard to the ten-point action plan on migration of the Joint Foreign and Home Affairs Council of 20 April 2015,
 - having regard to the conclusions of the EU Council special summit on the Mediterranean refugee crisis of 22 April 2015,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas, according to the International Organisation for Migration (IOM), over 1 500 persons have died in the Mediterranean Sea since the beginning of this year;
- B. whereas according to the IOM, an estimated 23 918 migrants have reached the Italian coast since 1 January 2015; whereas according to the Greek authorities, 10 445 migrants were rescued by the Greek Coastguard in the Aegean Sea in the first quarter of 2015;
- C. whereas Italian maritime forces, the Italian Coast Guard, the Italian Navy and several commercial ships carried out relentless operations to rescue migrants in distress on the Mediterranean Sea, and came to the rescue of approximately 10 000 migrants in the six days from Friday, 10 April to Thursday, 16 April 2015;
- D. whereas the last operation solely dedicated to search and rescue in the Mediterranean, Mare Nostrum, rescued 150 810 migrants over a 364-day period; whereas initial estimates are not showing a reduction in the number of migrants crossing the Mediterranean at this point;

⁽¹⁾ Texts adopted, P7_TA(2013)0448.

⁽²⁾ Texts adopted, P8_TA(2014)0105.

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- E. whereas a larger proportion of the people trying to cross the Mediterranean are fleeing from conflict or persecution in Syria, Iraq, Eritrea, Somalia and Libya; whereas up to 700 migrants are missing and are feared drowned after the wooden fishing boat on which they were crammed capsized near Libya as a Portuguese merchant vessel was coming to its aid late on Saturday, 18 April 2015; whereas one of the survivors was reported to have informed the Italian authorities that there may have been up to 950 on board; whereas a similar tragedy took place earlier this month, in which around 400 migrants were reported to have lost their lives at sea when a wooden fishing boat carrying about 550 people capsized;
- F. whereas Joint Operation 'Triton', coordinated by Frontex, became fully operational on 1 November 2014, with an initial budget of only EUR 2,9 million per month compared with over EUR 9 million per month for Mare Nostrum; whereas more than 24 400 irregular migrants have been rescued on the central Mediterranean route since the launch of Joint Operation 'Triton', including nearly 7 860 with the participation of assets co-financed by Frontex;
- G. whereas smugglers and human traffickers exploit irregular migration and put at risk the lives of migrants for their own business profits, are responsible for thousands of deaths and pose a serious challenge to the EU and the Member States; whereas traffickers generate profits of EUR 20 billion per year from their criminal activities; whereas according to Europol organised criminal groups actively facilitating the transport of irregular migrants across the Mediterranean Sea have been linked to human trafficking, drugs, firearms and terrorism; whereas on 17 March 2015 Europol launched its Joint Operational Team 'Mare' to tackle these criminal groups;
- H. whereas regional instability and conflict are having an impact on the mass influx of migrants and flows of displaced people and, therefore, on the number of individuals attempting to reach the EU; whereas the rapid expansion of IS and Da'esh in neighbouring conflict areas will ultimately have an impact on the mass influx of migrants and flows of displaced people;
1. Expresses its deep regret and sorrow at the recurring tragic loss of lives in the Mediterranean; urges the European Union and the Member States to build on existing cooperation and do everything possible to prevent further loss of life at sea; calls on the EU and Member States to do their utmost to identify the bodies and missing persons and to inform their relatives;
 2. Calls for the EU and the Member States to provide the necessary resources to ensure that search and rescue obligations are effectively fulfilled and therefore properly funded; calls on the Member States to continue to show solidarity and commitment by stepping up their contributions to the Frontex and EASO budgets and operations, and undertakes to provide those agencies with the resources (human and equipment) needed to fulfil their obligations through the EU budget and its relevant funds;
 3. Reiterates the need for the EU to base its response to the latest tragedies in the Mediterranean on solidarity and fair sharing of responsibility, as stated in Article 80 of the Treaty on the Functioning of the European Union (TFEU), and to take a comprehensive European approach; reiterates the need for the EU to step up fair sharing of responsibility and solidarity towards Member States which receive the highest numbers of refugees and asylum seekers in either absolute or proportional terms;
 4. Welcomes the European Council's commitment to reinforcing the EU Triton operation by increasing funding and assets; urges the EU to establish a clear mandate for Triton so as to expand its area of operation and increase its mandate for search and rescue operations at EU level;
 5. Calls for a robust and permanent humanitarian European rescue operation, which, like Mare Nostrum, would operate on the high seas and to which all Member States would contribute financially and with equipment and assets; urges the EU to co-fund such an operation;
 6. Welcomes the European Council's proposal for joint processing of asylum applications with the support of EASO teams; calls on the Commission to enlarge the mandate of EASO to increase its operational role in the processing of asylum applications;

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7. Calls on the Member States to make full use of the existing possibilities for issuing humanitarian visas at their embassies and consular offices; points out, in this connection, that the Council should seriously consider the possibility of triggering the 2001 Temporary Protection Directive or Article 78(3) of the TFEU, both of which foresee a solidarity mechanism in the case of mass and sudden inflows of displaced persons;
8. Calls on the Member States to make greater contributions to existing resettlement programmes, especially those Member States which have not contributed anything;
9. Calls on the Commission to establish a binding quota for the distribution of asylum seekers among all the Member States;
10. Stresses the need to encourage voluntary return policies, while guaranteeing the protection of rights for all migrants and ensuring safe and legal access to the EU asylum system, with due respect for the principle of *non refoulement*;
11. Welcomes the fact that the VP/HR and the Latvian Presidency immediately convened an extraordinary joint council of Ministers of Foreign Affairs and Ministers of the Interior in Luxembourg, and welcomes the fact that the Member States immediately convened an extraordinary summit in order to find common solutions in response to the crisis situation in the Mediterranean; notes that a broad first debate was held on options for saving lives, fighting against smugglers and traffickers and sharing responsibility as regards reception and protection among Member States; stresses that the Member States need to further develop the commitment, and regrets the lack of commitment from the European Council to setting up a credible EU-wide binding mechanism for solidarity;
12. Calls for a rapid and full transposition and effective implementation of the Common European Asylum System by all participating Member States, thereby ensuring common European standards, including reception conditions for asylum seekers and respect for fundamental rights, as envisaged under existing legislation;
13. Calls for closer coordination of EU and Member State policies in tackling the root causes of migration; underlines the need for a holistic EU approach, that will strengthen the coherence of its internal and external policies and, in particular, its common foreign and security policy, development policy and migration policy; calls for EU cooperation with partner countries in the Middle East and Africa to be strengthened in order to promote democracy, fundamental freedoms and rights, security and prosperity;
14. Urges the Member States and third countries to lay down the strongest possible criminal sanctions against human trafficking and smuggling both into and across the EU, and also against individuals or groups exploiting vulnerable migrants in the EU, while ensuring that individual who come to the aid of asylum seekers and vessels in peril are not prosecuted;
15. Calls on the Member States to work closely with Europol, Frontex, EASO and Eurojust in order to fight against human traffickers and criminal networks of smugglers, and to detect and trace their funding and identify their modus operandi in order to prevent them from making money by putting migrants' lives at risk; stresses the need to strengthen cooperation with third countries, in particular those surrounding Libya, which is indispensable if such criminal networks are to be successfully dismantled, in terms of both law enforcement training and the provision of information services; stresses the need for third countries to respect international law with regard to saving lives at sea and to ensure the protection of refugees and respect for fundamental rights;
16. Emphasises that the root causes of violence and underdevelopment need to be addressed in the countries of origin in order to stem the flow of refugees and economic migrants; points out, in this connection, that significantly enhancing governance structures by building effective and inclusive public institutions, ensuring capacity building in third country asylum systems, establishing the rule of law and fighting endemic corruption at all levels, as well as promoting human rights and further democracy, should be the main priorities of all governments in the countries of origin;
17. Reiterates its support for all UN-led negotiations towards re-establishing democratic government authority in Libya and its commitment to stepping up efforts to address conflict and instability in Libya and Syria; stresses that creating regional stability in conflict areas is key to reducing the further displacement of individuals;

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18. Recalls that the purpose of this resolution is to respond to the recent tragic events in the Mediterranean, to the European Council Conclusions of 23 April 2015 and to propose a set of urgent measures to be taken immediately, bearing in mind that the Committee on Civil Liberties, Justice and Home Affairs — the competent committee for such matters — is currently drafting a report which will reflect Parliament's medium- and longer-term policy orientations on migration;
 19. Calls on the Commission to develop and come up with an ambitious European agenda on migration, which takes into account all aspects of migration;
 20. 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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P8_TA(2015)0178

Persecution of the Christians around the world, in relation to the killing of students in Kenya by terror group Al-Shabaab**European Parliament resolution of 30 April 2015 on the persecution of Christians around the world, in relation to the killing of students in Kenya by terror group Al-Shabaab (2015/2661(RSP))**

(2016/C 346/08)

The European Parliament,

- having regard to its previous resolutions on Kenya,
 - having regard to the second revised 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 ('the Cotonou Agreement'), in particular Articles 8, 11 and 26 thereof,
 - having regard to the statements of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, of 23 November 2014 on the massacre of 28 civilian travellers, and of 3 April 2015 on the Garissa University butchery,
 - having regard to the press statement issued by the Peace and Security Council of the African Union (AU) at its 497th meeting, held on 9 April 2015, on the terrorist attack perpetrated in Garissa, Kenya,
 - having regard to the raid by the Kenyan Air Forces on Al-Shabaab training camps in Somalia in response to the carnage at Garissa University,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 1981,
 - having regard to the African Charter of Human and Peoples' Rights,
 - having regard to the EU Guidelines on International Humanitarian Law,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the latest terrorist attack in Garissa, Kenya, targeted young people, education and, therefore, the future of the country; whereas young people represent promise and peace, and are the future upholders of the country's development; whereas education is vital for the fight against violent extremism and fundamentalism;
- B. whereas the number of attacks on religious minorities, in particular Christians, around the world has risen tremendously in recent months; whereas Christians are being slaughtered, beaten and arrested every day, mostly in some parts of the Arab world by jihadist terrorists;
- C. whereas Christians are the most persecuted religious group; whereas extremism and persecution of this nature is emerging as a significant factor in the growing phenomenon of mass migration; whereas according to data the number of Christians killed every year is more than 150 000;
- D. whereas on 15 February 2015 ISIS/Da'esh beheaded 21 Egyptian Coptic Christians in Libya;
- E. whereas the attackers in Garissa intentionally targeted non-Muslims and singled out Christians in order to brutally execute them; whereas Al-Shabaab has been openly and publicly claiming to wage a war against Christians in the region;

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- F. whereas protecting the rights of children and young people, and reinforcing skills, education and innovation, is essential in order to enhance their economic, social and cultural opportunities and to enhance the country's development;
- G. whereas Al-Shabaab has regularly targeted students, schools and other education facilities; whereas, inter alia, in December 2009 a suicide bomber killed 19 people at a graduation ceremony for medical students in Mogadishu, Somalia, and in October 2011 the terrorist group claimed responsibility for a bombing which killed 70, including students awaiting exam results at the Somali Ministry of Education, also in Mogadishu;
- H. whereas on 25 March 2015 at least 15 people lost their lives in an attack perpetrated by Al-Shabaab in a Mogadishu hotel, and whereas Yusuf Mohamed Ismail Bari-Bari, Somalia's permanent representative to the United Nations in Geneva, Switzerland, was among those killed in the attack;
- I. whereas Kenya has been facing an increased number of attacks targeting civilians since October 2011, when its troops entered southern Somalia to take part in a coordinated operation with the Somali military against an Al-Shabaab-controlled area after the terrorist group took four hostages;
- J. whereas since November 2011 Kenyan troops have been part of the African Union Mission in Somalia (AMISOM), established on 19 January 2007 by the African Union's Peace and Security Council and authorised on 20 February 2007 by the UN Security Council (resolution 1744 (2007)), which has recently given the AU the green light to continue its mission until 30 November 2015 (resolution 2182 (2014));
- K. whereas one of the main contributors to the fight against terrorist group Al-Shabaab has been the Ethiopian army, as well as, to a lesser extent, the Ugandan army;
- L. whereas Al-Shabaab has formed links with other Islamist groups in Africa, such as Boko Haram in Nigeria and Al-Qaeda in the Islamic Maghreb;
- M. whereas the terrorist group Al-Shabaab regularly bombs and kills mostly civilians in Somalia, as well as in neighbouring countries, for instance in Kampala, Uganda, in July 2010, and a great deal more often in Kenya, where only the large-scale actions have gained international attention but smaller attacks have been a steady feature;
- N. whereas Al-Shabaab claimed responsibility for the raids conducted in July 2014 on the villages of Hindi, Gamba, Lamu and Tana River on the Kenyan coast, in which more than 100 people were executed, and for two attacks in Mandela county in late 2014, in which 64 people were killed;
- O. whereas after the terrorist attack on Garissa University the Kenyan Government threatened the UN Refugee Agency (UNHCR) with closure of the Dadaab refugee camp within three months; whereas the UNHCR has warned that this would have 'extreme humanitarian and practical consequences'; whereas the UN Refugee Convention prohibits the forcing of refugees back to areas where their life or freedom is threatened;
- P. whereas the African Standby Force (ASF) is not yet operational, and whereas the EU has stated its willingness to support African peacekeeping capabilities as part of its Security Strategy for Africa;
- Q. whereas according to Article 11 of the ACP-EU Partnership Agreement, 'activities in the field of peace-building, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, [...] for bridging dividing lines among different segments of society as well as support for an active and organised civil society';

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1. Condemns in the strongest terms the deliberate terrorist attack perpetrated by Al-Shabaab on 2 April 2015 in Garissa, in which it assassinated 147 young, innocent university students and injured 79 others; condemns forcefully all violations of human rights, especially when people are killed on the basis of their religion, beliefs or ethnic origin;
2. Condemns once more the raids conducted by Al-Shabaab during the summer of 2014 on several coastal Kenyan villages, including Mpeketoni, where 50 people were executed; condemns vigorously the foray in the Westgate Shopping Centre in Nairobi on 24 September 2013, where 67 dead bodies were discovered; condemns the Al-Shabaab attack of 25 March 2015 in Mogadishu, in which Ambassador Yusuf Mohamed Ismail Bari-Bari, Somalia's permanent representative to the United Nations in Geneva, lost his life;
3. Expresses its condolences to the families of the victims and to the people and Government of the Republic of Kenya; stands by the people of Kenya in the face of these despicable acts of aggression;
4. Recalls that freedom of religion is a fundamental right, and strongly condemns any violence or discrimination on the basis of religion;
5. Condemns the recent attacks on Christian communities in various countries, notably with regard to the throwing overboard of 12 Christians during a recent crossing from Libya and the massacre of 30 Ethiopian Christians on 19 April 2015, and expresses its solidarity with the families of the victims;
6. Expresses its grave concern over the abuse of religion by the perpetrators of terrorist acts in several areas of the world, and its deep concern at the proliferation of episodes of intolerance, repression and violence directed against Christians, particularly in some parts of the Arab world; denounces the instrumentalisation of religion in various conflicts; condemns the increasing number of attacks on churches around the world, notably the attack that killed 14 people in Pakistan on 15 March 2015; strongly condemns the incarceration, disappearance, torture, enslavement and public execution of Christians in North Korea; confirms and supports the inalienable right of all religious and ethnic minorities living in Iraq and Syria, including Christians, to continue to live in their historical and traditional homelands in conditions of dignity, equality and safety; notes that for centuries members of different religious groups coexisted peacefully in the region;
7. Urges the EU institutions to comply with their obligation under Article 17 TFEU to maintain an open, transparent and regular dialogue with churches and with religious, philosophical and non-confessional organisations, in order to ensure that the issue of the persecution of Christian communities and other religious communities is an EU priority;
8. Condemns the use of an ancient law ('dhimmi pact') by ISIS/Da'esh in Syria and Iraq to extort from Christians by religious tax obligations and restrictions under the threat of death;
9. Reaffirms its solidarity with all Christians persecuted in different parts of Africa, with special regard to recent atrocities in Libya, Nigeria and Sudan;
10. Condemns and rejects any misinterpretation of the message of Islam to create a violent, cruel, totalitarian, oppressive and expansive ideology legitimising the extermination of Christian minorities; urges Muslim leaders to fully condemn all terrorist attacks, including those targeting religious communities and minorities, and in particular Christians;
11. Calls for a thorough, prompt, impartial and effective investigation to be carried out in order to identify those responsible and bring the perpetrators, organisers, financiers and sponsors of these reprehensible acts of terrorism to justice;
12. Acknowledges that the real answer must be organised around coordinated actions with other African countries, and calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and the Council to address security and terrorist threats in this regional area in cooperation with the African Union, in support of its crucial efforts to fight Al-Shabaab through AMISOM; urges the European Union to strongly support the implementation of continental and regional mechanisms for conflict management, mainly the African Standby Force (ASF);

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13. Calls on the Kenyan Government to take responsibility and to address both the violence of Al-Shabaab and its root causes; deems that security can only be achieved if divisions within Kenya's political and civil societies and regional imbalances in development are properly addressed; considers regrettable the belated response of the police forces; in particular, urges the government to refrain from using the terrorist attacks as a pretext for cracking down on civil liberties; calls on the Kenyan authorities to base their strategy for combating terrorism on the rule of law and respect for fundamental rights; insists on the need for democratic and judicial oversight of counter-terrorism policies;
 14. Urges the Kenyan authorities to ensure that any division between faiths, together with the drawing of parallels between the Muslim community and Al-Shabaab, is prevented, and to take all measures to ensure that the unity of the country is preserved for the good of its social and economic growth and stability and the dignity and human rights of its people; invites the Kenyan Government, opposition leaders and religious faith leaders to address historical grievances of marginalisation, regional divides within the country and institutional discrimination, and to ensure that counter-terrorism operations target only the perpetrators and not wider ethnic and faith communities;
 15. Reminds the European External Action Service and the Member States of their commitment, under the EU Action Plan on Human Rights and Democracy adopted in June 2012, to ensure that human rights are raised in all forms of counter-terrorism dialogue with third countries;
 16. Calls for the EU to implement a military training mission programme in Kenya and to provide modern equipment, collaborating with and training Kenya's military and police forces to fight terrorism and prevent the expansion of Al-Shabaab;
 17. Urges the Kenyan Government to make every effort to conform to the rule of law, human rights, democratic principles and fundamental freedoms, and calls for the EU to lead its international partner in this direction, and to pull together a financial contribution to enhance existing governance programmes, in order to ensure national security and bring peace and stability to the country and the region; insists that the spiralling violence of Al-Shabaab must be addressed in conjunction with neighbouring countries; asks the EU to provide all the necessary financial, logistical and expert support in this regard, including the possibility of recourse to the African Peace Facility and EU crisis management tools;
 18. Calls on the Kenyan security forces to ensure lawful responses to counter the terrorist threat; calls on the Kenyan Government to ensure the security and protection of the refugee camps in its territory, in accordance with international law;
 19. Stresses that international terrorism is financed by illegal money-laundering, ransoms, extortion, drug trafficking and corruption; calls on the Commission and the Member States to enhance cooperation with third countries on sharing intelligence relating to money-laundering and the financing of terrorism;
 20. Reiterates its support for all initiatives aimed at promoting dialogue and mutual respect between religious and other communities; calls on all religious authorities to promote tolerance and to take initiatives against hatred and violent and extremist radicalisation;
 21. Denounces the targeting of educational institutions and premises for terrorist attacks, as a means of undermining the education and dignity of all citizens as well as causing mistrust and division between communities; recalls the abduction and disappearance of Christian girls in the Nigerian town of Chibok by the jihadist terror group Boko Haram in 2014, which attracted worldwide condemnation;
 22. 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 of Kenya, the institutions of the African Union, the Intergovernmental Authority on Development (IGAD), the United Nations Secretary-General, the United Nations General Assembly and the Co-Chairs of the ACP-EU Joint Parliamentary Assembly.
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P8_TA(2015)0179

Destruction of cultural sites perpetrated by ISIS/Da'esh**European Parliament resolution of 30 April 2015 on the destruction of cultural sites perpetrated by ISIS/Da'esh (2015/2649(RSP))**

(2016/C 346/09)

The European Parliament,

- having regard to the Questions for Oral Answer to the Council and the Commission on the destruction of cultural sites perpetrated by ISIS/Da'esh (O-000031/2015 — B8-0115/2015 and O-000032/2015 — B8-0116/2015),
- having regard to Article 167 of the Treaty on the Functioning of the European Union (TFEU), which provides that 'action by the Union shall be aimed at encouraging cooperation between Member States', notably in the area of 'conservation and safeguarding of cultural heritage of European significance' and that 'the Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture',
- having regard to Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods ⁽¹⁾,
- having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽²⁾,
- having regard to Council Regulation (EU) No 1332/2013 of 13 December 2013 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria ⁽³⁾, adopted on the basis of Council Decision 2013/760/CFSP of 13 December 2013 amending Decision 2013/255/CFSP concerning restrictive measures against Syria ⁽⁴⁾, and in particular Article 11c thereof concerning import, export or transfer of Syrian cultural property goods,
- having regard to Council Joint Action 2001/555/CFSP of 20 July 2001 on the establishment of a European Union Satellite Centre ⁽⁵⁾, amended by Council Joint Action 2009/834/CFSP ⁽⁶⁾,
- having regard to the Council Resolution of October 2012 on the creation of an informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET) (14232/2012)
- having regard to the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, of 1999,
- having regard to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970,
- having regard to the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972,
- having regard to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 17 October 2003,

⁽¹⁾ OJ L 39, 10.2.2009, p. 1.⁽²⁾ OJ L 169, 8.7.2003, p. 6.⁽³⁾ OJ L 335, 14.12.2013, p. 3.⁽⁴⁾ OJ L 335, 14.12.2013, p. 50.⁽⁵⁾ OJ L 200, 25.7.2001, p. 5.⁽⁶⁾ OJ L 297, 13.11.2009, p. 18.

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- having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 20 October 2005,
 - having regard to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995,
 - having regard to UN Security Council Resolution 2199 of 12 February 2015 on threats to international peace and security caused by terrorist acts by Al-Qaida ⁽¹⁾,
 - having regard to the Venice Charter for the Conservation and Restoration of Monuments and Sites of 1964 that provides an international framework for the preservation and restoration of ancient buildings,
 - having regard to the Rome Statute of the International Criminal Court adopted on 17 July 1998, and in particular to Article 8(2)(b)(ix) thereof, which recognises the act of ‘intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives’ as a war crime,
 - having regard to its resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union’s policy on the matter ⁽²⁾, paragraph 211 of which states that ‘intentional forms of destructions of cultural and artistic heritage, as it is currently occurring in Iraq and in Syria, should be prosecuted as war crimes and as crimes against humanity’
 - having regard to the Joint Communication to the European Parliament and the Council of 6 February 2015, entitled ‘Elements for an EU regional strategy for Syria and Iraq as well as the Da’esh threat’ (JOIN(2015)0002), in which the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy recognised the seriousness of destruction and looting of cultural heritage in tackling the crises in Syria and Iraq and the threat posed by Da’esh,
 - having regard to Rules 128(5) and 123(4) of its Rules of Procedure,
- A. whereas numerous archaeological, religious and cultural sites in Syria and Iraq have recently been subject to targeted destruction perpetrated by groups of extremists linked particularly to the Islamic State in Iraq and Syria (ISIS/Da’esh) and whereas these systematic attacks against cultural heritage were described by UNESCO Director-General Irina Bokova as ‘cultural cleansing’;
- B. whereas according to UNESCO the term ‘cultural cleansing’ refers to an intentional strategy that seeks to destroy cultural diversity through the deliberate targeting of individuals identified on the basis of their cultural, ethnic or religious background, combined with deliberate attacks on their places of worship, memory and learning, and whereas the strategy of cultural cleansing that can be witnessed in Iraq and Syria is reflected in attacks against the cultural heritage, i. e. both against physical, tangible and built expressions of culture such as monuments and buildings, and against minorities and intangible expressions of culture such as customs, traditions and beliefs ⁽³⁾;
- C. whereas some acts of destruction of the cultural heritage have been considered, under certain circumstances, as crimes against humanity ⁽⁴⁾; whereas, in particular, when directed against members of a religious or ethnic group, they can be assimilated to the crime of persecution, as set out in Article 7(1)(h) of the Statute of the International Criminal Court;

⁽¹⁾ <http://www.refworld.org/docid/54ef1f704.html>

⁽²⁾ Texts adopted, P8_TA(2015)0076.

⁽³⁾ http://www.unesco.org/new/en/media-services/single-view/news/conference_report_heritage_and_cultural_diversity_at_risk_in_iraq_and_syria/

⁽⁴⁾ International Criminal Tribunal for Yugoslavia, *Kordić & Čerkez*, 26 February 2001, IT-95-14/2; paragraphs 207-8.

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- D. whereas such acts of destruction of cultural and historical sites and objects are not new and are not confined to Iraq and Syria; whereas, according to UNESCO, 'cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights' ⁽¹⁾; stressing that, as stated by UNESCO and others, the product of looting and smuggling of cultural and religious sites and objects in Iraq and Syria by ISIS/Da'esh, is being used to help fund ISIS/Da'esh terrorist activities, with the result that artistic and cultural goods are becoming 'war weapons';
- E. whereas, on 1 March 2014, thanks to the funding provided by the European Union, UNESCO with other strategic partners launched a three-year project called 'Emergency Safeguarding of the Syrian Heritage', aimed in particular at ensuring emergency protection of the Syrian cultural heritage;
- F. whereas the European Union has ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted on 20 October 2005, the first international instrument to recognise the dual economic and cultural nature of cultural goods, which 'must therefore not be treated as solely having commercial value';
- G. whereas the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 17 November 1970, and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted on 24 June 1995, are essential instruments for strengthening protection of the global cultural heritage;
- H. whereas illicit trade in cultural goods is now the third most significant illegal trade after drugs and arms, whereas this illicit trade is dominated by organised criminal networks, and whereas current national and international mechanisms are neither adequately equipped nor supported to tackle the issue ⁽²⁾;
- I. whereas, although combating the illicit trade in cultural goods is not a specific competence of the European Union, insofar as it is not defined as such in the treaties, it nevertheless comes under several EU fields of competence, such as the internal market, the area of freedom, security and justice (AFSJ), culture and the common foreign and security policy (CFSP);
- J. whereas there is an urgent need to better coordinate the fight against the illicit trade in cultural artefacts and to work closely together in order to promote awareness raising and information sharing and to achieve a strengthening of legal frameworks; recalling in this context that, in December 2011, the Council conclusions on preventing and combating crime against cultural goods recommended, inter alia, that the Member States strengthen cooperation between law enforcement officials, cultural authorities and private organisations;
- K. whereas, in October 2012, a Council resolution created an informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET), whose main objective is to improve the exchange of information related to the prevention of illicit trade in cultural goods and to identify and share information on criminal networks suspected of being involved in illicit trade;
- L. whereas, on Saturday, 28 March 2015, Director-General Irina Bokova launched in Bagdad the campaign #Unite4Heritage, which is aimed at mobilising global support for the protection of cultural heritage, using the power of social networks;
1. Strongly condemns the intentional destruction of cultural, archaeological and religious sites perpetrated by ISIS in Syria and Iraq;

⁽¹⁾ UNESCO Declaration on Intentional Destruction of Cultural Heritage, 2003.

⁽²⁾ <http://www.africa-eu-partnership.org/newsroom/all-news/morocco-africa-eu-workshop-fight-against-illegal-trafficking-cultural-goods>

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2. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to take appropriate action at political level, in accordance with UN Security Council Resolution 2199 of 12 February 2015, in order to put an end to the illegal trade in cultural property from the territories of Syria and Iraq during periods of conflict in those territories, thereby preventing them from being used as a source of financing;
3. Calls on the VP/HR to use cultural diplomacy and intercultural dialogue as a tool when it comes to reconciling the different communities and rebuilding the destroyed sites;
4. Calls on the VP/HR, the EU and its Member States to implement security measures at the EU's external borders to prevent cultural goods from Syria and Iraq from being smuggled into the Union and to effectively cooperate in a joint action against the trading of artefacts of Syrian and Iraqi origin in Europe, since a high concentration of the trade in Middle Eastern art is destined for the European market, together with the United States and the Gulf area;
5. Suggests in this context that the Commission, in line with paragraph 17 of UN Security Council Resolution 2199 of 12 February 2015, focus on the fight against illicit trade in cultural artefacts, specifically as regards items of cultural heritage illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011; calls on the Commission to devise a coordinated approach for combating that illegal trade, working together with those responsible at national level in the investigation services and in close cooperation with UNESCO and other international organisations such as ICOM (International Council of Museums), ICOM's International Committee of the Blue Shield (ICBS), Europol, Interpol, UNIDROIT (International Institute for the Unification of Private Law), the WCO (World Customs Organisation), ICOMOS (International Council on Monuments and Sites) and ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property);
6. Calls on the VP/HR to involve the European Union Satellite Centre in Torrejón, which supports the decision making of the Union in the context of the CFSP by providing material resulting from the analysis of satellite imagery, for the purpose of monitoring and listing archaeological and cultural sites in Syria and Iraq and supporting the activities of Syrian archaeologists, with the aim of preventing further lootings and preserving the lives of civilians;
7. Calls on the Commission to set up a rapid and secure exchange of information and sharing of best practices between the Member States to effectively combat the illicit trade in cultural artefacts illegally removed from Iraq and Syria and to urge the Member States to use international tools against illicit trafficking in cultural goods for police and custom officers, such as Interpol's dedicated database 'I-24/7' on stolen works of art and the online communication tool of the ARCHEO programme of the World Customs Organisation (WCO);
8. Calls for consideration to be given to putting in place European training programmes for judges, police and customs officers, government administrations and market players more generally in order to enable those involved in combating illicit trade in cultural goods to develop and improve their expertise and to support initiatives such as the e-learning course for Syrian Heritage Professionals promoted by ICOMOS in January 2013, teaching information on disaster risk management, first aid measures for cultural collections and documentation technique;
9. Asks the Commission to link up with international projects from civil society on protecting and reporting on cultural goods in danger, such as the AAAS geospatial technologies project, and to continue to support research communities' activities such as Project Mosul, developed by the Initial Training Network for Digital Cultural Heritage (funded by a Marie Skłodowska-Curie actions grant);
10. Calls on the Commission to provide stronger support to ICOM's International Observatory on Illicit Traffic in Cultural Goods, which has produced an emergency red list of Syrian and Iraqi antiquities at risk, designed as a tool for museums, customs officials, police officers, art dealers and collectors and which plans to use satellite imagery to monitor the situation on the ground, in cooperation with UNITAR;

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11. Calls for the EU and the Member States to develop awareness-raising campaigns in order to discourage the purchase and sale of cultural goods coming from illicit trade from war areas;
 12. Calls on the Member States to take the necessary steps to involve universities, research bodies and cultural institutions, inter alia through codes of ethics, in the fight against illicit trade in cultural goods from war areas;
 13. Calls on the Commission to support UNESCO's #Unite4Heritage campaign by initiating an information campaign focused on Iraq and Syria, with the aim of raising awareness of the importance of their cultural heritage, of the way the product of looting is used to finance terrorist activities, and of the possible penalties associated with the illegal import of cultural goods coming from these countries, or from other third countries;
 14. Calls on the Commission to strengthen and improve the functioning of the informal network of law enforcement authorities and expertise competent in the field of cultural goods (EU CULTNET), created by the Council Resolution of October 2012, whose objective is to improve the exchange of information related to the prevention of illicit trade in cultural goods, and to envisage the creation of an additional instrument to control the import of cultural goods unlawfully removed by Syria and Iraq into the EU;
 15. Calls on the Council to strengthen the Eurojust and Europol units devoted to supporting the ongoing investigations, prevention and exchange of intelligence regarding illegal trade in cultural goods;
 16. Encourages the relaunching of the actions of ICOM's International Committee of the Blue Shield;
 17. Calls on the European Union to take the necessary steps, in collaboration with UNESCO and the International Criminal Court, to extend the international law category of crimes against humanity so that it encompasses acts which wilfully damage or destroy the cultural heritage of mankind on a large scale;
 18. Calls on the Member States which have not already done so to ratify the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, the UNIDROIT Convention of 1995, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and the Second Protocol thereto of 1999;
 19. 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 UNESCO Director-General, the EU Special Representative for Human Rights and the governments and parliaments of the Member States.
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P8_TA(2015)0180

Situation in the Maldives

European Parliament resolution of 30 April 2015 on the situation in the Maldives (2015/2662(RSP))

(2016/C 346/10)

The European Parliament,

- having regard to its previous resolutions on the Maldives,
 - having regard to the Joint Local European Union Statement on recent developments in the Maldives, including the arrest of a criminal court judge, of 20 January 2012,
 - having regard to the Joint Local European Union Statement on Threats to Civil Society and Human Rights in the Maldives, of 30 September 2014,
 - having regard to the Joint Local European Union Statement on the rule of law in the Maldives, of 24 February 2015,
 - having regards to the statement by the Spokesperson of the Vice-President of the European Commission/High Representative for Foreign Affairs and Security Policy (VP/HR) on the activation of the death penalty in the Maldives, of 30 April 2014,
 - having regards to the statement by the Spokesperson of the Vice-President of the European Commission/High Representative for Foreign Affairs and Security Policy (VP/HR) on the conviction of former President of the Maldives Mohamed Nasheed, of 14 March 2015,
 - having regard to the statement by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on the trial of former President Mohamed Nasheed, of 18 March 2015,
 - having regard to the statement by the UN Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, entitled 'No democracy is possible without fair and independent justice in the Maldives', of 19 March 2015,
 - having regard to the final report of the EU Election Observation Mission to the Parliamentary Elections in the Republic of Maldives, of 22 March 2014,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR), to which the Maldives is a party,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas, on 13 March 2015, Mohamed Nasheed, the former president of the Maldives, was sentenced to 13 years' imprisonment under charges of terrorism for the arrest in January 2012 of the then chief judge of the criminal court, about which the EU expressed its concern;
- B. whereas the controversial trial failed to meet national and international standards of justice, notwithstanding the call from the United Nations and the EU for fairness and transparency in the legal proceedings against former President Nasheed;
- C. whereas Mohamed Nasheed, who has a long personal record of non-violent action for human rights and pluralistic democracy, was incarcerated several times during the 30-year dictatorship of President Maumoon Abdul Gayoon and left power in disputed circumstances four years after becoming the first democratically elected president of the Maldives;
- D. whereas the lack of political independence and training of the Maldivian judiciary undermines the domestic and international credibility of the country's judicial system;

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- E. whereas former Ministers of Defence Tholhath Ibrahim and Mohamed Nazim have recently been sentenced to 10 and 11 years' imprisonment respectively, and former Deputy Speaker of the Majlis Ahmed Nazim has been condemned to 25 years in prison in the Maldives; whereas these trials, too, were reportedly marred with irregularities;
- F. whereas opposition politicians continue to be routinely intimidated and whereas a recent report by the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians identified the Maldives as one of the worst countries in the world for attacks against, and the torture and intimidation of, opposition MPs;
- G. whereas on 30 March 2015 the Maldivian Parliament adopted an amendment to the Maldives Prison and Parole Act disqualifying those serving a prison term from holding membership of a political party, and whereas this will de facto remove Mohamed Nasheed from active politics and bar him from contesting the presidential elections in 2018;
- H. whereas at least 140 peaceful protesters have been arrested since February 2015, and were only released on conditions that severely limited their right to take part in further demonstrations;
- I. whereas civil society organisations and human rights defenders have increasingly faced harassment, threats and attacks, including the Human Rights Commission of the Maldives (HRCM), which was brought before the Supreme Court on charges of high treason and undermining the constitution for submitting a report on the state of human rights in the Maldives to the UN Human Rights Council Universal Periodic Review; whereas NGOs have been threatened with deregistration;
- J. whereas press freedom has been severely inhibited in recent years, three journalists have been arrested while covering political demonstrations calling for the release of Mohamed Nasheed, and Ahmed Rilwan, a journalist critical of the government who disappeared in August 2014, is still missing and feared dead;
- K. whereas the political turmoil comes amid worry about increasing Islamist militancy in the Maldives and about the number of radicalised young men alleged to have joined ISIS;
- L. whereas, on 27 April 2014, the Parliament of the Maldives voted to end the moratorium on the death penalty in place since 1954, thus allowing the sentencing of minors as young as seven, who can be held responsible and executed as soon as they reach 18 and are left to languish in jail until then; whereas this goes against the international human rights obligations of the Maldives as a state party to the Convention on the Rights of the Child;
- M. whereas immigrant workers suffer forced labour, confiscation of identity and travel documents, withholding or non-payment of wages and debt bondage, and were threatened by the Maldivian authorities with expulsion over their protest against discrimination and violence following a series of attacks on immigrant workers;
- N. whereas a small number of women from Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, former Soviet countries, Bangladesh and the Maldives are subject to sex trafficking in the Maldives and some Maldivian children are reportedly subjected to sexual abuse and may be victims of forced labour;
1. Expresses its grave concern about increasing tendencies towards authoritarian rule in the Maldives, the crackdown on political opponents and intimidation of media and civil society, which could jeopardise the gains which have been made in recent years in establishing human rights, democracy and the rule of law in the country; calls on all parties to refrain from any action that may further aggravate this crisis, and to respect democracy and the rule of law;

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2. Deplores the serious irregularities in the trial of former president Mohamed Nasheed; insists that he should be immediately released and that, should his conviction be appealed, his rights must be fully respected in line with the Maldives' international obligations, its own constitution and all internationally recognised fair trial guarantees; urges the EU delegation to Sri Lanka and the Maldives to insist to be allowed to follow closely the appeal process;
 3. Underlines the fact that respect for the rule of law, the right to a fair trial, due legal process and independence of the judiciary, in accordance with the provisions of the ICCPR, are central elements of the democratic process; emphasises that all Maldivian citizens, including former President Nasheed, are to be treated in accordance with these principles, which are themselves important for a pluralistic society;
 4. Calls for a credible and inclusive political process, with the participation of all democratic forces, with the aim of restoring and preserving stability in the Maldives and putting the country back on the track of transition to democracy; calls for an immediate end to the intimidation of political opponents; calls on the Government of the Maldives to take the necessary steps to restore confidence in its commitment to democracy, judicial independence, and the rule of law, including respect for the freedoms of expression and of assembly and respect for due process;
 5. Calls for an immediate end to political interference in, and for the de-politicisation of, the judicial system in the Maldives; calls for urgent reforms to ensure the independence and the impartiality of the Maldivian judiciary with the aim of restoring domestic and international confidence in its functioning; underlines that these reforms should be approved and implemented without any further delay;
 6. Reminds the Government of the Maldives that the country's constitution guarantees the right to protest and that release conditions preventing people from engaging in peaceful demonstration are unlawful;
 7. Calls for an immediate end to all forms of violence, including violence against peaceful protesters, and reminds the security forces of their duty to protect peaceful demonstrators against violent gangs; calls on the Government of the Maldives to end impunity for vigilantes who have used violence against people promoting religious tolerance, peaceful protesters, critical media and civil society; calls for the perpetrators of such violent attacks to be brought to justice;
 8. Calls on the Government of the Maldives to allow a proper investigation into the disappearance of Ahmed Rilwan;
 9. Condemns the reintroduction of the death penalty in the Maldives and urges the Government and Parliament of the Maldives to re-establish the moratorium on the death penalty;
 10. Encourages all actors in the Maldives to work together constructively in all areas, and especially on the subject of climate change, which has the potential to destabilise the country;
 11. Asks local authorities to fully comply with the minimum standards for the elimination of trafficking; praises the ongoing efforts to tackle the problem and the progress made, but insists that the provisions of the anti-trafficking law should be swiftly put into practice as serious problems remain as regards the enforcement of this law and victim protection;
 12. Calls on the European External Action Service (EEAS) and the Member States to issue warnings about the Maldives' human rights record on their travel advice websites;
 13. Urges the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy and the EEAS to continue to monitor closely the political situation in the Maldives and to play a proactive role in the EU's bilateral relations with the country and in international multilateral fora in order to achieve stability, strengthen democracy and the rule of law, and ensure full respect for human rights and fundamental freedoms in the country;
 14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, and the parliament and government of the Republic of Maldives.
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P8_TA(2015)0181

2014 Progress Report on Albania**European Parliament resolution of 30 April 2015 on the 2014 Progress Report on Albania (2014/2951(RSP))**

(2016/C 346/11)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19-20 June 2003 concerning the prospect of the Western Balkan countries joining the EU,
 - having regard to the conclusions of the European Council of 26-27 June 2014 and of the General Affairs Council of 16 December 2014,
 - having regard to the Commission's Opinion on Albania's application for EU membership of 9 November 2010 and to the Commission Report of 4 June 2014 entitled 'Albania's Progress in the Fight Against Corruption and Organised Crime and in the Judicial Reform' (COM(2014)0331),
 - having regard to the Commission communication entitled 'Enlargement Strategy and Main Challenges 2014-2015' of 8 October 2014 (COM(2014)0700), accompanied by Commission Staff Working Document SWD(2014)0304 entitled 'Albania 2014 Progress Report', as well as to the Indicative Strategy Paper for Albania (2014-2020), adopted on 18 August 2014,
 - having regard to the resolution of the Albanian Parliament of 24 December 2014 on the political agreement between the ruling majority and the opposition,
 - having regard to its previous resolutions concerning Albania,
 - having regard to the work of Knut Fleckenstein as the standing rapporteur on Albania of the Committee on Foreign Affairs,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas Albania has made impressive progress over the last few years on its path to EU accession and was therefore granted candidate country status in June 2014; whereas challenges still persist and need to be addressed swiftly and efficiently in order to make further progress on the path to EU membership;
- B. whereas consistent adoption and effective implementation of sustainable reforms on the five key priorities are serving Albania's democratic transformation and paving the way for the opening of EU accession negotiations; whereas the EU accession process has become a driving force for EU-related reforms in Albania, and whereas its timetable will be determined by the speed and quality of such reforms; whereas the opening of accession negotiations would be an incentive that would boost further reforms by offering a tangible and credible EU perspective;
- C. whereas EU accession is an inclusive process that belongs to the whole country and all its citizens; whereas constructive and sustainable political dialogue on EU-related reforms, conducted in a spirit of cooperation and compromise between major political forces, is vital to further progress in the EU accession process; whereas there is a political consensus and wide public support for the EU integration process; whereas the success of the reform agenda strongly depends on the existence of a democratic political environment;

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- D. whereas the European Parliament has played an important role in efforts to establish a healthy political climate in the country;
- E. whereas the EU has put the rule of law at the core of its enlargement process; whereas tangible progress in the independence of the judiciary and the fight against corruption and organised crime is essential for the EU integration process to advance; whereas strong political support is the key to achieving progress in these areas;
- F. whereas significant steps in reforming and implementing reforms of the judicial system need to be made; whereas, despite the progress achieved, the fight against corruption and organised crime remains a serious challenge; whereas freedom of expression and independence of the media still need to be guaranteed;
- G. whereas the existence of a professional, effective and merit-based public administration is the backbone of the integration process for any country that aspires to become an EU member;
- H. whereas Albania's relations with its neighbours are constructive and its alignment with EU foreign policy exemplary;
1. Commends Albania for obtaining candidate country status; stresses that this should be seen as an encouragement to intensify the reform efforts even more; expresses its continuous support for Albania's EU integration process; believes that concrete measures and sustained political commitment to implementing them are necessary to address the challenges of successfully consolidating democratic transformation and pursuing EU-related reforms; encourages Albania to establish a solid track record with regard to such reforms;
 2. Considers it essential to sustain and support genuine political cooperation among all political parties, which includes fair competition for better political ideas and concepts, and to work towards a democratic political culture that is based on the understanding that democratic political processes are built on dialogue and the ability to search for and accept compromises; is convinced that this will increase citizens' trust in public institutions; urges the ruling coalition to facilitate the exercise of the opposition's right of democratic control, and urges the opposition to exercise this right fully and responsibly;
 3. Welcomes the establishment of joint working groups within the High Level Dialogue on the Key Priorities with the aim of building a comprehensive platform for smooth delivery of reforms and monitoring progress on the five key priorities, notably in reforming public administration, reinforcing the judiciary, combating corruption and organised crime, and reinforcing the protection of human rights; encourages the authorities to intensify their work on these priorities and to establish a track record for their implementation;
 4. Calls for the prompt establishment of an inclusive National Council for European Integration, to include also representatives of civil society and independent institutions with the aim of ensuring broad national consensus on EU-related reforms and in the EU accession process; calls on the appropriate bodies to inform stakeholders and the wider public fully and in due time about the progress of the EU integration process;
 5. Underlines the role of the parliament as a key democratic institution and calls therefore for a strengthening of its oversight role and for ensuring a more institutionalised consultation process on draft legislation; welcomes in this regard the adoption on 5 March 2015 of the reviewed law 'On Parliament's role in the European integration process of Albania' as well as the consensual parliamentary resolution of 24 December 2014 in which it was agreed that the opposition would return to parliamentary work while the governing majority would seek consensus with the opposition on important reforms, that the decisions of the Constitutional Court (CC) would be respected and the issue of people with criminal records holding or running for public office addressed; calls for its proper and timely implementation in a constructive manner; calls on all political parties to improve democratic consensus-building, which is the key to advancing in the accession process; considers it important that Albania's civil society, media and citizens hold their leaders accountable for specific policy outcomes;

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6. Is concerned about the continuous and ongoing political polarisation in Albania, which could jeopardise further EU integration efforts; reminds the ruling coalition and the opposition of their shared responsibility towards the citizens for a sustainable, constructive and inclusive political dialogue that allows for the adoption and implementation of the key reforms; calls on the ruling majority and the opposition to pursue further efforts to establish genuine political dialogue and to cooperate in a constructive manner;

7. Stresses that a professional public administration is instrumental in the successful implementation of all other reforms; therefore welcomes the fact that the Civil Service Law has started to be implemented, and calls for its proper implementation to be pursued in order to enhance administrative capacities, depoliticise public administration and fight corruption in the civil service, to strengthen meritocracy in appointments, promotions and dismissals, to increase the efficiency, transparency, accountability, professionalism and financial sustainability of the civil service, and to enhance good governance at all levels; calls for a strengthening of human resources management, an evaluation system for civil servants and independent monitoring of the implementation of civil service legislation; encourages the finalisation of a comprehensive public administration reform strategy and the continued promotion of depolarisation and knowledge of EU law and decision-making processes; stresses the need to enhance public integrity, to improve public services and to manage public resources more effectively; calls for improved public access to services and information; welcomes in this regard the new law on access to information; calls for a strengthening of the institution of the Ombudsman by giving appropriate follow-up to its findings and recommendations;

8. Stresses the need to tackle the fragmented system of local government and to create a functional local governance system able to respond to citizens' needs by the efficient provision of public services; calls for a strengthening of the administrative capacity of local governments, enabling them to exercise their authority and implement legislation in a financially sustainable way; calls for the transparency, effectiveness and inclusiveness of local governments to be enforced; notes the CC's ruling on the legal challenge to the reform on administrative and territorial division of the country;

9. Stresses the importance of upcoming local elections and invites the competent authorities to implement the recommendations made by the ODIHR and the Central Election Commission; calls for the independence and capacities of electoral bodies to be enhanced;

10. Stresses the need to strengthen the rule of law and reform the judiciary in order to foster the trust of citizens and the business community in the justice system; welcomes Albania's commitment to judicial reform but still deplores the persistent shortcomings in the functioning of the judicial system, such as politicisation and limited accountability, the high level of corruption, insufficient resources and backlogs; reiterates the need to make further substantial efforts to ensure the independence, efficiency and accountability of the judiciary and to improve the appointment, promotion and disciplinary system for judges, prosecutors and lawyers; invites the authorities to pursue reforms in constructive cooperation with all stakeholders, including relevant civil society organisations (CSOs), and through engagement with the Venice Commission by elaborating and implementing a long-term judicial reform strategy;

11. Recalls the Albanian Parliament's resolution of November 2013 on Albania's European integration, which endorsed a number of important measures, mainly on the rule of law; underlines the importance of strong respect for the rule of law and the independence and transparency of judicial institutions such as the High Council of Justice (HCJ); stresses the need to comply with decisions of the CC on this matter; invites the competent authorities to foster the integrity and independence of key democratic institutions and the depoliticisation of the judiciary; invites the competent authorities to proceed without undue delay to deliver justice for the victims of the events of 21 January 2011;

12. Points out the unsatisfactory state of the juvenile justice system; calls on the competent authorities to put forward plans to improve the situation;

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13. Is concerned that corruption, including within the judicial system, remains a serious problem; urges Albania to seriously strengthen its efforts to fight corruption at all levels and to enhance the legislative framework, institutional capacity and interinstitutional information exchange and cooperation; welcomes the appointment of a National Anti-Corruption Coordinator, who will coordinate efforts and monitor implementation at central level, and calls for the adoption of a comprehensive and strict anti-corruption strategy and action plans for the period 2014-2020; reiterates the need for the development of a more robust anti-corruption framework, which should include a wide range of institutions; notes positively the steps towards increased transparency, including the publication of asset declarations by senior officials and the establishment of anti-corruption focal points in all line ministries;

14. Reiterates the need to develop a solid track record of investigations, prosecutions and convictions at all levels, including in high-level corruption cases; considers it essential to improve the efficiency of investigations and to provide sufficient resources, training and staff specialised in combating corruption, especially in the fields of public procurement, health, taxation, education, police, customs and local administration; encourages the participation and monitoring role of CSOs in the fight against corruption; calls for the systematic use of confiscation of criminal assets and convictions for money laundering and for the systematic use of financial investigations; invites the competent authorities to strengthen the existing legislation on the protection of whistleblowers;

15. Is concerned that, despite a positive trend in the fight against organised crime, particularly in the fight against the trafficking and production of narcotics, this fight remains an important challenge; invites Albania, while recognising the success of recent police operations, to develop a comprehensive strategic approach and to take measures to remove barriers to the efficiency of investigations with a view to building up a track record of investigations, prosecutions and convictions in all areas and at all levels; encourages a stepping-up of intra-agency coordination, including at local level, and regional and international police and judicial cooperation; recommends strengthening cooperation in the fight against drug trafficking with partner agencies in the Western Balkans and with the services of EU Member States;

16. Commends efforts to fight trafficking of human beings, which continues to be a serious challenge; invites the competent authorities to develop a comprehensive and victim-oriented approach, to improve interinstitutional coordination and to build the capacities of prosecutors, judges and police; reiterates the need for continuous specialised joint training activities involving prosecutors, judges and police officers; welcomes the cooperation between the Albanian police and the prosecutor's office with EU Member States, which has led to good results;

17. Commends the Ombudsman for his work in promoting human rights, his openness towards vulnerable people and his cooperation with CSOs; deplores the fact that the Ombudsman's annual and special reports have not been debated in the parliament, and therefore cannot be published and are not officially acknowledged; calls on the government and the parliament to strengthen the independence, efficiency and effectiveness of human rights institutions, to improve cooperation with the Ombudsman's Office and to further support it politically and financially;

18. Underlines security concerns over foreign fighter returnees; welcomes measures to prevent radicalisation and to address the phenomenon of foreign fighters; emphasises the need to implement the strategy and action plan on the fight against terrorism; welcomes the increase in staff in the police anti-terrorism unit, and encourages an intensification of regional cooperation in combating terrorism; welcomes the new operational agreement signed with Europol and calls for its efficient implementation;

19. Stresses the need to enhance civic participation in public life and policy- planning and -making as well as in the European integration process in order to foster a broad national consensus on reforms and on the EU accession process; recommends further development of consultation mechanisms with (and between) civil society and local communities; is concerned that politicisation of CSOs may weaken their potential role in strengthening the culture of democracy;

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20. Commends the religious harmony and the climate of religious tolerance and overall good inter-ethnic relations in the country; calls on the competent authorities to continue improving the climate of inclusion and tolerance for all minorities in the country; urges the government to adopt, following a broad consultation process, a comprehensive law on minorities to remedy existing legal gaps in line with the recommendations of the Advisory Committee of the Council of Europe Framework Convention on National Minorities, and to efficiently implement the Law on Protection from Discrimination and build solid anti-discrimination case-law; commends the contribution of the Commissioner for Protection from Discrimination to fighting discrimination, including on grounds of gender, especially in employment, education and access to social services; encourages further steps to improve the living conditions of Roma by improving their access to registration, housing, education, the labour market and social and healthcare services; stresses that the living conditions of Roma also need to be improved via better coordination between central and local government and interministerial cooperation;

21. Welcomes the setting up of the National Council on Gender Equality and the appointment of gender coordinators in all line ministries; calls for further measures to tackle domestic violence, cases of inadequate access to justice for women, and gender bias in employment; welcomes the inclusion of the LGBTI community in the 2015-2020 strategy on social inclusion, the setting up of a working group on LGBTI rights in the Ministry of Social Affairs and the opening of the first LGBTI residential shelter; commends the amendments to the Criminal Code punishing hate crime and hate speech on the basis of sexual orientation and gender identity;

22. Encourages the government, furthermore, to work on a gender recognition bill, and to ensure that gender recognition conditions will meet the standards set in Recommendation CM/Rec(2010) by the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity; believes that LGBTI people's fundamental rights are more likely to be safeguarded if they have access to legal institutions such as cohabitation, registered partnership or marriage, and encourages the Albanian authorities to consider these options;

23. Calls on the Albanian authorities to respond to the demand by the United Nations and the recommendations of the Ombudsman to create a homogeneous and reliable database, to activate the Coordinating Council for the Fight Against Blood Feuds set up in 2005 and to develop an action plan focusing on the rule-of-law aspects in the fight against blood feuds;

24. Emphasises the critical importance of a professional, independent and pluralist public service broadcaster and private media as a cornerstone of democracy; is concerned about the lack of genuine media independence and the lack of transparency of media ownership and financing; encourages Albania to ensure a free working environment for journalists; stresses that further efforts are needed to guarantee the independence of the media regulatory authority and of the public broadcaster; is concerned about the lack of transparency of media ownership and financing, media polarisation and self-censorship; calls for a strengthening of the professional and ethical standards of journalists; urges proper implementation of defamation legislation; notes that the election of the new chair and board members of the Audiovisual Media Authority (AMA) has been called into question by the opposition; encourages the government to guarantee its independence and support, so that the AMA can take up its functions fully, including as regards facilitating the digital switchover process and the efficient implementation of the Audiovisual Media Law;

25. Welcomes the improvement of the business climate and the pursuit of a functioning market economy, but calls on the government to continue addressing weaknesses in contract enforcement and the rule of law and tackling the large informal economy; calls for further reforms in order to cope with the competitive pressure on the common European market; invites the government to strengthen the protection of property rights and accelerate the establishment of a sustainable and coherent policy of property legalisation, restitution and compensation; underlines the importance of creating favourable conditions for private-sector development and foreign direct investment;

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26. Stresses the need to improve education and training in order to address skills mismatches and increase employability, particularly among young people; calls on the Commission to work in close cooperation with the government to address weaknesses in labour market conditions, including growing unemployment, and provide solutions in line with the Europe 2020 strategy; welcomes the Indicative Strategy Paper for Albania 2014-2020, which recognises that education, employment and social policies require support through the IPA;
27. Calls on the competent authorities to draft a national energy strategy with a particular emphasis on renewable energies and energy security, including diversification of energy sources; takes the view that Albania should invest more in renewable energy projects and related infrastructure; invites Albania to consider the ecological impact of hydropower projects on the national natural heritage; calls for compliance with the EU Water Framework Directive, which aims to achieve good ecological and chemical status for all natural surface-water bodies;
28. Urges the Albanian authorities to develop comprehensive management plans for existing national parks in accordance with the International Union for Conservation of Nature (IUCN) World Commission of Protected Areas quality and management guidelines for protected area category II; urges the authorities to abandon any development plans that undermine the country's protected area network and calls for the abandonment of small- and large-scale hydropower construction plans, particularly inside all national parks; demands, in particular, that the plans to build hydropower plants along the Vjosa River and its tributaries be rethought, since these projects would harm one of Europe's last extensive, intact and near-natural river ecosystems;
29. Welcomes Albania's continued constructive and proactive stance in regional and bilateral cooperation; stresses its instrumental role in strengthening regional stability; commends the political will to improve relations with Serbia; encourages Albania and Serbia to take further actions and make statements which promote regional stability and cooperation and good neighbourly relations; is disturbed by statements made by the Albanian Prime Minister in which he speculated about the unification of Albanians from Albania and Kosovo; encourages Albania to maintain its constructive position in the region and exchange with the other Western Balkan countries the knowledge and experience gained during their EU accession process, with the aim of intensifying cooperation and further stabilising the region; welcomes Albania's full alignment with EU foreign policy positions, including the EU restrictive measures on Russia, and its participation in CSDP crisis management operations; notes its ambitions as the current Chairman-in-Office of the South-East European Cooperation Process to further promote dialogue between participating countries; invites Albania to actively participate in the implementation of the European Union's Adriatic-Ionian strategy;
30. Calls for EP-Albania interparliamentary cooperation to be enhanced; recommends harmonising, as far as possible, the future calendar of meetings of the EU-Albania Stabilisation and Association Parliamentary Committee and that of the High Level Dialogue on the Key Priorities in order to strengthen parliamentary oversight of the EU accession process;
31. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Albania.
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P8_TA(2015)0182

2014 Progress Report on Bosnia and Herzegovina**European Parliament resolution of 30 April 2015 on the 2014 Progress Report on Bosnia and Herzegovina (2014/2952(RSP))**

(2016/C 346/12)

The European Parliament,

- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina (BiH), of the other part, signed on 16 June 2008 and ratified by all EU Member States and Bosnia and Herzegovina,
 - having regard to the European Council conclusions of 19-20 June 2003 on the Western Balkans and to the annex thereto entitled 'The Thessaloniki Agenda for the Western Balkans: moving towards European integration',
 - having regard to the Council conclusions of 20 October, 17-18 November, 15 and 16 December 2014,
 - having regard to the Commission communication entitled 'Enlargement Strategy and Main Challenges 2014-2015' of 8 October 2014 (COM(2014)0700), accompanied by Commission Staff Working Document SWD(2014)0305 entitled 'Bosnia and Herzegovina 2014 Progress Report', and to the Indicative Strategy Paper on Bosnia and Herzegovina (2014-2017), adopted on 15 December 2014,
 - having regard to the Written Commitment to EU Integration adopted by the BiH Presidency on 29 January 2015 and endorsed by the BiH Parliamentary Assembly on 23 February 2015,
 - having regard to the Council decision of 19 January 2015 appointing Lars-Gunnar Wigemark as EU Special Representative and Head of Delegation for Bosnia and Herzegovina,
 - having regard to its previous resolutions on the country,
 - having regard to the work of Cristian Dan Preda as the standing rapporteur on Bosnia and Herzegovina of the Committee on Foreign Affairs,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas the EU has repeatedly stated its unequivocal commitment to BiH's European perspective and to its territorial integrity, sovereignty and unity;
- B. whereas the EU has offered a new opportunity to BiH based on a coordinated approach designed to help the country to resume its reform process, to improve its social and economic situation and to draw closer to the European Union; whereas an equally unequivocal commitment and engagement is now requested from the country's political elites; whereas EU accession is an inclusive process that belongs to the whole country and all its citizens, and requires a national consensus on the reform agenda;
- C. whereas the overly complex and inefficient institutional architecture, the lack of sufficient cooperation and coordination between the BiH political leaders and all levels of government, the absence of common vision and political will, and ethnocentric attitudes have seriously hampered progress in the country; whereas disagreements along political and ethnic lines have had a major negative effect on the work of the assemblies at state level;

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- D. whereas the prolonged political stalemate represents a serious impediment for the country's stabilisation and development and is depriving citizens of a secure and prosperous future; whereas political inertia, unemployment, the very high levels of corruption and dissatisfaction with political elites have led to civil unrest, which spread from Tuzla throughout the country in February 2014;
- E. whereas the EU has put the rule of law at the core of its enlargement process; whereas strong political support is the key to achieving progress in these areas;
- F. whereas corruption is widespread, public administration is fragmented, the many different legal systems pose a challenge, cooperation mechanisms with civil society remain weak, the media landscape is polarised, and equal rights are not ensured for all constituent peoples and citizens;
- G. whereas over 50 % of BiH state revenues are spent on maintaining the administration at numerous levels; whereas, according to World Bank indicators, BiH is the lowest-rated European country for ease of doing business and one of the lowest-ranked on the Corruption Perception Index; whereas BiH has the highest rate of youth unemployment in Europe (59 % of the active population aged 15-24);
1. Welcomes the fact that the Council has responded to its call for a rethinking of the EU's approach towards BiH; urges the new BiH leaders to commit fully to carrying out the necessary institutional, economic and social reforms in order to improve the lives of BiH citizens and enable progress on the path to EU membership; points out that meaningful progress on the implementation of the agenda for reforms, including the Compact for Growth and Jobs, will be necessary for a membership application to be considered; underlines the fact that BiH, like all other (potential) candidate countries, should be judged on its own merits, and that the speed and quality of the necessary reforms should determine the timetable for its accession;
 2. Stresses that the Commission should pay particular attention to the implementation of the Sejdić-Finci ruling when asked by the Council to prepare an opinion on an EU membership application; invites the Commission to be ready to facilitate an agreement on its implementation in order to guarantee equal rights for all citizens and to be instrumental in implementing the objectives of the EU agenda, including a functional system of good governance, democratic development and economic prosperity and respect for human rights;
 3. Strongly supports the European integration of BiH and believes that the EU's reinforced engagement should focus, inter alia, on socio-economic issues, the business environment, the institutional framework, the rule of law and governance, law enforcement policy, an independent judiciary, the fight against corruption, public administration reform, civil society and youth, while keeping EU conditionality for accession unchanged; calls on the VP/HR, the Commission and the Member States to maintain a coordinated, consistent and coherent EU position and to demonstrate that BiH's EU integration is a priority of EU foreign policy; stresses that the EU should seek to bring together all financial donors in order to support the efficient implementation of the EU's renewed approach and the Written Commitment;
 4. Welcomes the Written Commitment to EU Integration, adopted by the BiH Presidency, signed by the leaders of all political parties and endorsed by the BiH Parliament on 23 February 2015, on measures to establish institutional functionality and efficiency, to launch reforms at all governance levels, to accelerate the process of reconciliation and to strengthen administrative capacity; acknowledges that the Commitment paved the way for the agreement in the Council on 16 March 2015 to proceed with the conclusion and entry into force of the Stabilisation and Association Agreement (SAA); welcomes the entry into force of the SAA, scheduled for 1 June 2015, which will allow BiH and the EU to work together more closely and to deepen their relationship; calls for the full collaboration of all political leaders in the thorough and efficient implementation of the Commitment, especially in strengthening the rule of law and the fight against corruption

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and organised crime; recalls that political commitment and genuine ownership of the reform process is key; invites the new leaders of BiH to agree with the EU on a concrete roadmap for a broad and inclusive reform agenda to advance the country on its path towards the EU; calls for transparency in the process of planning and implementing reforms and urges that civil society be included in the reform process;

5. Expresses its deep concern regarding the declaration adopted on 25 April 2015 by the congress of the Alliance of Independent Social Democrats (SNSD) in Eastern Sarajevo, calling inter alia for a referendum on the independence of Republika Srpska in 2018; underlines the fact that under the Dayton Agreement Republika Srpska has no right to secession; recalls that, with the adoption of the Written Commitment, all political forces, including the SNSD, have committed to respecting the 'sovereignty, territorial integrity and political independence of Bosnia and Herzegovina'; urges the new political leaders to refrain from divisive nationalistic and secessionist rhetoric that polarises society and to seriously engage in reforms that will improve the lives of BiH citizens, create a democratic, inclusive and functioning state and move the country closer towards the EU;

6. Calls on the political leaders to give priority to establishing an effective EU coordination mechanism, efficiently linking institutions at all governance levels, in order to ensure alignment with and enforcement of the EU acquis throughout the country in the interest of the overall prosperity of its citizens; stresses that without such a mechanism the EU accession process will remain deadlocked, as the current organisation of the country is too inefficient and dysfunctional; stresses that the establishment of such a mechanism would open the way for BiH to benefit fully from the funding available; stresses the need to take concrete reform steps and provide the country and its citizens with a clear direction;

7. Stresses that addressing the socio-economic needs of citizens must be the priority; considers it also crucial, however, to continue, in parallel, with political reforms and democratisation of the political system; underlines the fact that economic prosperity is only possible if it is based on a democratic and inclusive society and state; stresses also that BiH will not be a successful candidate for EU membership until appropriate institutional conditions have been established; notes that constitutional reform aimed at consolidating, streamlining and strengthening the institutional framework remains key to transforming BiH into an effective, inclusive and fully functional state; recalls that the future constitutional reform should also take into account the principles of federalism, decentralisation, subsidiarity and legitimate representation to ensure the efficient and smooth integration of BiH into the EU; urges all political leaders to work on introducing the necessary changes;

8. Welcomes the Commission's initiatives to accelerate the implementation of projects under the Instrument for Pre-accession Assistance (IPA) and strengthen economic governance; regrets that inaction may have implications for the allocation of EU funds for political and socio-economic development under IPA-II; urges the competent authorities to agree on countrywide sector strategies, particularly in the priority fields of transport, energy, the environment and agriculture, as key requirements to be able to fully benefit from IPA funding;

9. Commends the orderly conduct of the October 2014 elections; notes, however, that for the second time in a row the electoral process took place without every citizen being able to stand for every office; underlines the crucial importance of establishing all new parliamentary organs and governments at all levels as a matter of urgency; urges the new leaders to observe the principle of universal, equal and direct suffrage, reach out to the people, engage with civil society and provide responsible and immediate answers to their legitimate concerns; calls on the competent authorities to investigate the very serious allegations against the Prime Minister of the Republika Srpska (RS) of being involved in buying the votes of two MPs not belonging to her party in order to gain a majority in the RS National Assembly (RSNA);

10. Welcomes the overwhelming national and international solidarity, including within the EU Floods Recovery Programme, in response to the 2014 natural disasters; welcomes the fact that the EU took immediate and substantial rescue and relief measures, at the request of BiH, and organised a donors' conference in July 2014, which was hosted by the Commission and co-organised with France and Slovenia; stresses that the Commission invited BiH to join the EU Civil

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Protection Mechanism; calls for effective and coordinated preventive measures at all levels to address the consequences of the current disasters and to prevent such disasters in the future; welcomes the many positive examples of very close inter-ethnic cooperation and support following the floods as a sign that reconciliation is possible; believes that regional cooperation and close relations with neighbouring countries are essential factors in responding to such disasters in the future;

11. Recalls that a professional, effective and merit-based public administration forms the backbone of the integration process of BiH and of any country that aspires to become an EU Member State; is seriously concerned that the public administration, which is supposed to help BiH advance towards EU membership and improve living conditions for its citizens, continues to be fragmented, politicised and dysfunctional; remains preoccupied about its financial sustainability and the fact that the lack of political will to reform the administration may impact on the provision of public services; urges all competent actors to adopt a new public administration reform strategy and action plan beyond 2014 in order to simplify the complex institutional structure, rationalise costs and make the state more functional;

12. Urges the authorities to make the fight against corruption an absolute priority, given that it has not yet resulted in satisfactory improvements and that corruption affects all sectors, including health and education, exploiting the most vulnerable people, and causing pessimism to grow, and more and more citizens to lose faith in their institutions; calls for effective anti-corruption mechanisms, independent judicial follow-up and inclusive consultations with all stakeholders, which should guarantee timely adoption of a renewed strategic framework for 2015-2019; calls, in general, for the efficient implementation of anti-corruption measures; welcomes the adoption of a set of anti-corruption laws, including on promoting the protection of whistleblowers at state level and the creation of prevention bodies at federation level; condemns attempts to undermine the existing rule of law principles and is concerned that the new law on conflicts of interest weakens the legal framework and represents a setback in the prevention of conflicts of interest in that it increases the risk of political interference and offers no incentive for officials to comply; calls for the strengthening of parliamentary bodies for the prevention of conflicts of interests; urges the competent authorities to improve the track record as regards effective investigation, prosecution and convictions in high-profile corruption cases, especially in the framework of public procurement and privatisation;

13. Remains seriously concerned about the inefficiency of the judicial system, the risk of political interference in court proceedings, the politicisation of appointment procedures, a fragmented judiciary and prosecution budgeting process and the risk of conflicts of interest in the judiciary; urges the new leaders of the country to undertake structural and institutional reforms addressing *inter alia* the harmonisation of the four different legal systems; invites them to address the Commission's recommendations, such as institutional reform of the state-level judiciary, including on the adoption of a law on the courts of BiH; urges the incoming Council of Ministers to adopt the already prepared new Justice Reform Strategy; reiterates its support for the office of the Ombudsman; notes that a moratorium on capital punishment is still in place under the Constitution of the RS and urges the authorities of the RS to abolish the death penalty without further delay;

14. Is concerned that access to free legal aid is very limited and that the right to the provision thereof is still not entirely legally regulated throughout BiH, thereby restricting the right to justice for the most vulnerable; urges the competent authorities to adopt a law on free legal aid at state level and clearly define the role of civil society in the provision thereof;

15. Welcomes the broadening of the EU-BiH Structured Dialogue on Justice to include additional rule-of-law matters, especially corruption and discrimination, and the fact that it is delivering some positive results in regional cooperation, the processing of war crimes, and the professionalism and efficiency of the judiciary; welcomes the inclusion of civil society in

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the process; notes that conditions in several courts in the Entities have improved, including on witness protection;

16. Is concerned that certain statements have questioned the legitimacy of ICTY convictions, thereby undermining the court in The Hague; calls for steps to be taken to strengthen the protection of victims and improve the work of the BiH Prosecutor's Office by reviewing the processing of Category II war crimes cases; welcomes the progress made in reducing the backlog in war crimes cases; notes that the prosecution of war crimes cases involving sexual violence has improved and requests that this process continue in the future; stresses the need for the competent authorities to adopt the long-pending state-level programme to improve the status of victims of such war crimes, including their right to compensation, to ensure their effective access to justice and to bring the provisions of BiH criminal law regarding sexual violence into line with international standards;

17. Is concerned at the persistently high number of missing persons and the slow progress in this respect; calls on the authorities to embark on intensive cooperation between the two entities, and to step up efforts in the search for missing persons;

18. Remembers all victims of the 1995 Srebrenica genocide and expresses its deep condolences to the families and survivors; expresses its support for organisations such as the Association of Mothers of Srebrenica and Žepa Enclaves in view of their pivotal role in raising awareness and building a broader basis for reconciliation among all citizens of the country; calls on all citizens of BiH to use the 20th anniversary of the Srebrenica massacre as an opportunity to enhance reconciliation and cooperation, which are key prerequisites for all the countries of the region to move forward on their European path;

19. Notes with concern that there are still 84 500 internally displaced persons (IDPs) and 6 853 refugees in BiH; is concerned at the violation of the rights of returnees in the RS; welcomes, however, the new measures adopted by the Federation Parliament allowing returnees from the RS to access pension benefits and healthcare in the Federation, while suggesting that equal access to social welfare benefits for all citizens is important; calls on all levels of government, particularly the RS authorities, to facilitate and accelerate the return of IDPs and refugees by introducing and implementing all the necessary legislative and administrative measures; urges cooperation on this matter and that appropriate conditions be established for their peaceful and sustainable reintegration; calls for the effective implementation of the Revised Strategy regarding Annex VII to the Dayton Peace Agreement; calls for continued good regional cooperation in the framework of the Sarajevo Declaration Process; urges a comprehensive approach to addressing the remaining challenges as regards clearing the country of mines by 2019;

20. Reaffirms its support for visa liberalisation, which has brought about visible positive effects for BiH's citizens; reiterates its commitment to safeguarding the right of visa-free travel for the citizens of the Western Balkans; calls, at the same time, for measures at national level, in particular socio-economic measures for more vulnerable groups, for active measures aimed at enhanced cooperation and information exchange to crack down on organised crime networks, for strengthened border controls and for awareness campaigns; calls on the Commission to adopt measures to maintain the integrity of the visa-free scheme and to address potential abuses of the EU asylum system in cooperation with the Member States;

21. Notes that fighting organised crime and corruption is fundamental to countering attempts at criminal infiltration of the political, legal and economic systems; notes that some progress has been made in the fight against organised crime and terrorism; recalls the importance of meeting GRECO recommendations; is concerned about reports of growing radicalisation among young people in BiH, of whom a relatively high number, compared to other countries in the region, are joining the ISIL terrorist fighters; urges the authorities to amend the Criminal Code in order to strengthen the criminalisation of the financing of terrorism; welcomes the amendment to the Criminal Code seeking to ban and punish membership of foreign paramilitary groups, in order to prevent religious radicalisation; stresses, in addition, the importance

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of preventing all forms of extremism and violent radicalisation; welcomes also large-scale police operations throughout BiH which have resulted in the arrest of people suspected of organising, supporting and financing terrorist activities, including foreign fighters; calls for the inclusion of a provision on hate crime in the Criminal Code of the Federation of BiH; commends the relevant BiH agencies for the professionalism shown in their efforts and determination to combat growing security threats; invites the Commission to provide the competent authorities with assistance in suppressing all security and terrorist threats;

22. Strongly condemns the terrorist attack perpetrated on 27 April 2015 on a police station in the Eastern Bosnian town of Zvornik, which claimed the life of one policeman and injured two others; expresses its solidarity with the victims and their families; condemns in the strongest terms the violent extremist ideology behind this attack; calls on the competent authorities, responsible security agencies and judicial institutions to cooperate in conducting a swift and thorough investigation and preventing future attacks; expresses hope that the institutions and citizens of Bosnia and Herzegovina will come together in combatting the threat of terrorism and extremist violence;

23. Notes that BiH remains a country of origin, transit and destination for the trafficking of human beings; recommends that the authorities take effective measures, including legislative measures, to combat trafficking in drugs and human beings and provide protection for the victims of human trafficking;

24. Considers it essential to enhance the role of civil society by enabling it to articulate citizens' interests, particularly with regard to young people, as was shown last year during the 'plenums'; recalls that civil society can complement the development of a socially cohesive and democratic society by delivering vital social services; notes that civil society representatives should play an important role in facilitating the accession process; urges the Commission to continue making European funds accessible to civil society organisations; notes that the institutional mechanisms for cooperation with civil society remain weak and hamper the development of a more participatory, inclusive and responsive democracy throughout the country; calls, therefore, for transparent and inclusive public consultation mechanisms involving all public stakeholders, for the establishment of a framework for public discussion of important legislative decisions and for the adoption of a national strategy for civil society; is concerned about the reported cases of intimidation during last year's social unrest;

25. Considers it essential to foster an inclusive and tolerant society in BiH, protecting and promoting minorities and vulnerable groups; recalls that failure to implement the Sejdić-Finci ruling results in open discrimination against BiH citizens; urges that steps be taken to strengthen the Human Rights Ombudsman's role and to develop, in cooperation with civil society, a state-level strategy against all forms of discrimination; calls on the competent authorities to further harmonise the country's laws with the *acquis*, paying particular attention to discrimination on grounds of disability and age, as highlighted in the Structured Dialogue; calls on the BiH Ministry for Human Rights and Refugees to establish a working group on drafting amendments to the BiH Anti-Discrimination Law without further delay; is concerned at the fact that hate speech, hate crimes, threats, harassment and discrimination against LGBTI people continue to be widespread; encourages the authorities to implement awareness-raising actions on the rights of LGBTI people among the judiciary, law enforcement agencies and the general public; is concerned that cases of discrimination on religious grounds continue to be reported;

26. Deeply deplores the continued marginalisation of and discrimination against Roma; commends the progress made with regard to the housing needs of Roma, encourages, however, further steps to be taken to improve their living conditions by improving access to employment, health and education;

27. Notes that, while the legal provisions guaranteeing women's rights and gender equality are in place, only limited progress has been made in implementing such provisions; calls on the competent authorities to pursue proactively their efforts to increase the participation of women in politics and the workforce, to combat maternity-related labour market discrimination, to improve women's social and economic situation, to promote, protect and strengthen women's rights and, in general, to raise public awareness and people's understanding of women's rights; urges the authorities to adopt a strategy

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for the implementation of the Council of Europe's Convention on preventing and combating violence against women and domestic violence and to establish a harmonised system for the monitoring and collection of data on cases of violence against women;

28. Urges BiH to incorporate sexual orientation and gender identity into the law on hate crimes as soon as possible and thus make it possible to convict persons who engage in various forms of oppression based on sexual orientation or gender identity;

29. Notes that legal provisions on freedom of expression are in place; is concerned, however, about political and financial pressure on the media and cases of threats and intimidation against journalists and editors, including during the pre-electoral period; condemns attempts to undermine the existing rules, which could have damaging implications for freedom of expression and media freedom, including on line; stresses that events such as the police raid on the offices of Klix.ba in Sarajevo and the recent adoption by the RSNA of the controversial Law on Public Order and Peace raise serious concerns about freedom of expression and freedom of the media, including in social media; stresses that the ability of the media to operate without fear is essential to a healthy democracy; urges that freedom of expression and media freedom be fully respected and that journalists be allowed to obtain information on matters of public interest; stresses that stable and sustainable financing, editorial independence, broadcasting in all official languages and pluralism are essential to public-service media; calls on the authorities to close all legislative loopholes which systematically hamper the full transparency of media ownership and to prepare a regulation to ensure that no undue political influence is exerted; urges the competent authorities to safeguard the political, institutional and financial independence of public-service broadcasters and to harmonise entity laws on public broadcasting with state-level legislation; urges the merit-based appointment of the Director of the BiH Communication Regulatory Agency Council;

30. Remains concerned about the continuing segregation of children in public schools on the basis of ethnicity; notes that three different curricula impede a common, inclusive and objective study of common history and recent historical events; urges the authorities to effectively implement inclusive education principles, including with regard to children with disabilities; urges the new leaders of the country to promote an inclusive and non-discriminatory education system without any further delay in both entities and the Brčko District, to eliminate the segregation of different ethnic groups and to advance education reform aimed at improving education standards and the introduction of a common curriculum; calls also for the implementation of the action plan on the educational needs of Roma children and their integration in the education system to be stepped up;

31. Recalls that the February 2014 protests showed a clear popular demand among BiH citizens for socio-economic reforms in the country; strongly believes that the implementation of measures in the six key reform areas of the Compact for Growth and Jobs will re-stimulate stalled socio-economic reforms, including on growth and employment and public procurement reforms; calls on the new governments at state, entity and cantonal levels to work in close cooperation in order to make economic governance and the Compact a key priority of reforms; stresses the need to further develop and implement an economic reform programme;

32. Considers that BiH has made little progress towards becoming a functioning market economy; emphasises the importance of coping with competitive pressures and market forces; is concerned that considerable weaknesses in the business environment continue to negatively affect private-sector development and foreign direct investment; urges the competent authorities to address the weak enforcement of the rule of law, the large informal sector and high levels of corruption, which hamper the business environment; urges harmonisation with the Solvency II Directive;

33. Stresses the need to reform and harmonise the fragmented social protection systems on the basis of citizens' needs in order to provide equal treatment for all, mitigate poverty and develop a social safety net that is better targeted towards the poor and socially excluded; highlights the fact that economic prosperity and job prospects, especially for young people, are essential to the development of the country; calls on the governments to implement labour market reforms in order to tackle the very high unemployment rate, focusing on young people, women and long-term unemployment; notes that

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labour and trade union rights are still limited; calls on the authorities to further enhance and harmonise the relevant laws across the country; stresses the need to improve education and training in order to address skills mismatches and increase employability, particularly among young people;

34. Stresses the importance of harmonising and improving existing trade union rights and rules on working conditions, which at present are not identical across all sectors; notes also that welfare benefits and pensions are not equally distributed;

35. Notes that there has been little progress in the fields of the environment and climate change and calls on the authorities to enhance environmental protection in line with EU standards; calls on BiH to honour all its contractual obligations under the Energy Community Treaty and the SAA, and to ensure adequate and swift approximation towards the EU environmental *acquis*, including in preventing excessive air pollution from the oil refinery in Bosanski Brod; emphasises the need for BiH to fully implement its obligations regarding the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and the Protocol on Strategic Environmental Assessment (Kiev, 2003), including with regard to activities in the Neretva and Trebišnjica River Basin;

36. Welcomes BiH's constructive and proactive stance in promoting regional cooperation; commends its frequent joint border patrols with neighbouring countries; stresses the crucial importance of good neighbourly relations; invites the new leaders to continue and enhance efforts to resolve outstanding border and property issues with neighbouring countries; encourages BiH to finalise the demarcation process with Montenegro in good faith, on the basis of the agreement reached in May 2014;

37. Regrets that BiH foreign policy has remained subject to divergent positions, resulting in a low rate of alignment with EU positions (52 %); recalls the crucial importance of a unified foreign policy for BiH; is concerned about the implications of Russia's rejection of the Peace Implementation Council's standard language on BiH's territorial integrity and its negative narrative on BiH's EU aspirations; welcomes the continued presence of Operation Althea, as part of a renewed UN mandate, focusing on capacity building and training;

38. Calls on the newly elected institutions of BiH to use the opportunity of the EU's renewed approach to conclude the Agreement on the adaptation of the Interim Agreement/SAA, taking into account Croatia's accession to the EU and the maintenance of traditional trade;

39. Instructs its President to forward this resolution to the VP/HR, the Council, the Commission, the Presidency of BiH, the Council of Ministers of BiH, the Parliamentary Assembly of BiH and the Governments and Parliaments of the Federation of BiH and the Republika Srpska and the governments of the 10 counties/cantons.

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P8_TA(2015)0183

European Investment Bank annual report 2013**European Parliament resolution of 30 April 2015 on the European Investment Bank — Annual Report 2013 (2014/2156(INI))**

(2016/C 346/13)

The European Parliament,

- having regard to the 2013 Activity Report of the European Investment Bank,
- having regard to the 2013 Annual Financial Report of the European Investment Group,
- having regard to Articles 15, 126, 175, 208, 209, 271, 308 and 309 of the Treaty on the Functioning of the European Union and to Protocol No 5 thereto on the Statute of the EIB,
- having regard to its resolution of 26 October 2012 on innovative financial instruments in the context of the next Multiannual Financial Framework ⁽¹⁾,
- having regard to its resolution of 7 February 2013 on the 2011 Annual Report of the European Investment Bank ⁽²⁾,
- having regard to its resolution of 11 March 2014 on the European Investment Bank (EIB) — Annual Report 2012 ⁽³⁾,
- having regard to the report by the President of the European Council of 26 June 2012, entitled ‘Towards a genuine economic and monetary union’,
- having regard to its resolution of 3 July 2012 on the attractiveness of investing in Europe ⁽⁴⁾,
- having regard to its resolution of 26 February 2014 on long-term financing of the European economy ⁽⁵⁾,
- having regard to the Commission Communication on Long-Term Financing of the European Economy (COM(2014) 0168) of 27 March 2014,
- having regard to the European Council conclusions of 28 and 29 June 2012, which notably proposed to increase the EIB capital of EUR 10 billion,
- having regard to the European Council conclusions of 27 and 28 June 2013, which call for the creation of a new investment plan to support SMEs and boost the financing of the economy,
- having regard to the European Council conclusions of 22 May 2013, which set out the objective of mobilising all EU policies in support of competitiveness, jobs and growth,
- having regard to the Commission communications on innovative financial instruments: ‘A framework for the next generation of innovative financial instruments’ (COM(2011)0662) and ‘A pilot for the Europe 2020 Project Bond Initiative’ (COM(2011)0660),
- having regard to the capital increase of the European Bank for Reconstruction and Development (EBRD), notably in relation to the question of relations between the EIB and the EBRD,

⁽¹⁾ OJ C 72 E, 11.3.2014, p. 51.

⁽²⁾ Texts adopted, P7_TA(2013)0057.

⁽³⁾ Texts adopted, P7_TA(2014)0201.

⁽⁴⁾ OJ C 349 E, 29.11.2013, p. 27.

⁽⁵⁾ Texts adopted, P7_TA(2014)0161.

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- having regard to the decision on extending the scope of the EBRD to the Mediterranean area ⁽¹⁾,
 - having regard to the new Memorandum of Understanding between the EIB and the EBRD signed on 29 November 2012,
 - having regard to Decision No 1080/2011/EU of the European Parliament and of the Council of 25 October 2011 ⁽²⁾ on the EIB External Mandate 2007-2013,
 - having regard to the Commission Communication on An Investment Plan for Europe (COM(2014)0903) of 26 November 2014,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Budgetary Control and the Committee on Employment and Social Affairs (A8-0057/2015),
- A. whereas all possible resources from the Member States and the EU, including those of the EIB, need to be efficiently mobilised without delay to encourage and enhance public and private investments, boost competitiveness, re-establish sustainable and inclusive growth and promote the creation of quality jobs and infrastructure, in line with the Europe 2020 strategy and taking into account that the EIB is an instrument designed to support social cohesion and is able to provide valuable assistance to Member States facing difficulties in the critical social and economic situation currently confronting us;
- B. whereas the economic and financial crisis, coupled with austerity policies, has seriously undermined economic growth in many Member States, leading to rapidly worsening social conditions, steadily growing inequalities and imbalances between European regions and failure to achieve the objective of social cohesion and real convergence, thereby destabilising European integration and democracy;
- C. whereas the EIB is not a commercial bank and should continue to play the essential role of catalyst for financing sound public and private long-term investments, while continuing to implement best prudential banking practices in order to maintain its very strong capital position, with subsequent positive impacts on lending conditions;
- D. whereas particular efforts should be made to expand joint interventions (combining EIF or other guarantee tools) for financing SMEs or tangible and intangible sustainable infrastructures, recognising that one of the reasons for the fall in investment and credit is the loss of competitiveness of the economies of Member States;
- E. whereas the EIB should continue to fulfil its mandate for the financing of projects which are part of EU external action, while respecting high social and environmental standards;
- F. whereas the selection of EIB investments should be made independently and on the basis of their viability, added value and impact on economic recovery;
- G. whereas the EIB should evolve towards the development bank model in the context of improved macroeconomic coordination with the Member States;
- H. whereas the EIB should be not only a financial institution but also a bank of knowledge and good practice;
- I. whereas the relatively small and highly concentrated European Union securitisation market, providing limited SME loan securitisation, has shrunk still further as a result of the crisis;

⁽¹⁾ OJ L 177, 7.7.2012, p. 1.

⁽²⁾ OJ L 280, 27.10.2011, p. 1.

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Investment

1. Takes note of the 2013 EIB Annual Report, the increase in the Group's financing activities by 37 % to EUR 75,1 billion and the implementation of the capital increase of the EIB which took place in 2013; is concerned at the current situation of economic stalling in the EU, and in particular the significant decline in public and private investment — around 18 % below 2007 levels — and by the staggering 35 % drop in lending to SMEs between 2008 and 2013; underlines that such a decline represents a massive hurdle for a sustainable recovery as well as for genuine progress towards the Europe 2020 objectives;
2. Points out, in that perspective, that national projections demonstrate that nearly half of all Member States will not achieve their national targets on education schemes and greenhouse gas reductions by 2020 and that trends regarding employment and poverty reduction are even worse;
3. Concludes that the enhancement of EIB financing instruments is no substitute for national economic policy and structural reforms oriented towards sustainable growth and job creation;
4. Takes note of the Commission Communication on an Investment Plan for Europe (COM(2014)0903) which involves existing funds and seeks to leverage private capital at a ratio of 1:15; notes the aim to revitalise the EU economy through the mobilisation of EUR 315 billion over the next three years under the new European Fund for Strategic Investments; draws attention to the fact that implementation of the Investment Plan will require the EIB to take on additional human resources in order to fulfil its mandate;
5. Takes note in that context of the establishment of a Task Force, led by the Commission and the European Investment Bank, and takes note of the legislative proposals to be adopted under the ordinary legislative procedure to establish the European Fund for Strategic Investments (EFSI); underlines the need to specify in these legislative proposals a high quality governance and selection process as well as a democratically accountable monitoring and evaluation framework underpinning the fund, which should be as transparent as possible in setting out the criteria that it will use to determine the projects that will be deemed suitable for inclusion in the pipeline;
6. Expects the Commission's investment plan to foster and facilitate access to finance in Member States and regions; recalls that it is essential that the EIB cooperate with the European funds in these Member States and regions in particular, so that productive public investments and essential infrastructure projects can be carried out;
7. Believes that projects with European added value and a positive cost-benefit analysis should be prioritised; stresses the importance of implementing projects which could have a maximum impact in terms of job creation; underlines the need to focus on higher-risk projects that do not easily qualify for finance by banks; warns that the Task Force could face political pressure to foster projects favoured by special interest groups, leading to funds being misallocated to unprofitable investments that are not in the public interest;
8. Emphasises that guarantees which the Commission foresees for the EFSI do not correspond to new money but to reallocated resources; underlines that it is of paramount importance to identify the opportunity costs of such reallocation and therefore to establish explicitly to what extent the overall returns from the foreseen additional investments to be co-financed by the EFSI are expected to exceed those that would have been generated had the reallocated resources been allocated as originally planned;
9. Points out that the project selection process should aim at avoiding crowding-out and reshuffling effects and should therefore focus on projects of European added value with a high innovation-based potential, which meet the additionality criterion; emphasises the need to take into account the employment potential of the projects selected in those EU countries suffering from mass unemployment;
10. Asks the Commission, in this respect, to carefully assess in its forthcoming legislative proposal the parts of the EU budget framework which are expected to provide guarantees to the EFSI, with a view to minimising the opportunity costs related to the redeployment of such resources; also calls on the Council, the Commission and the EIB Board of Governors to duly assess the redistribution effects the investment plan entails, namely a possible increase in investor profits at the cost of

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customers who have to pay for the use of new infrastructure in order to ensure an appropriate return on investment; calls on the EIB and the Commission to further assess the investment gap in the EU in terms of its composition, namely whether private or public investments are lacking, and to specify what kind of investments, private or public, are intended to be the subject of support and the expected scale of productive effects of the investment;

11. Notes that the European Central Bank has expressed its readiness to purchase, on the secondary market, bonds issued by the EFSI, if the Fund should issue such bonds itself or if the EIB should do so on its behalf;

12. Points out that it is necessary to strike a new balance between better evaluation and the best possible investment, and to steer the economy towards a path of sustainable growth and a job-rich recovery;

13. Recalls the importance of the Europe 2020 strategy; underlines that the future 'package' of investments should better take into account the general objectives of cohesion policy, sustainability and energy efficiency; calls on the Commission and the EIB Council of Governors to enhance their performance indicators for quality investments with that perspective;

14. Underlines that the EIB is called on to play an instrumental role in financing the Investment Plan for Europe by committing EUR 5 billion to the establishment of the new European Fund for Strategic Investments; calls, therefore, on the Council, the Commission and the EIB Board of Governors to duly assess the consistency between the new tasks assigned to the EIB within such a plan and the resources of the EIB;

15. Is of the opinion that, in this respect, appropriate EIB involvement in the Investment Plan will require a substantial increase in EIB lending and borrowing ceilings within the next five years with a view to significantly increasing its balance sheet size; believes that an excessive level of leverage will undermine the objectives of the investment plan;

16. Believes that promotion of the institutional framework for the operation of the single capital market will contribute positively to the faster implementation of the investment plan;

17. Points out, however, that the current EIB operational corporate plan foresees a reduction in lending flows to EUR 67 billion in 2014 and 2015, while the middle of the targeted range for 2016 is expected to be EUR 58,5 billion;

18. Stresses that the extra lending capacity resulting from the recent EUR 10 billion EIB capital increase has been underused; urges stakeholders involved to promote as far as possible actions to extend EIB lending;

19. Calls on the Commission to encourage multilateral cooperation between the EIB and the national promotional banks in order to foster synergies, share risks and costs, and ensure appropriate lending to EU projects with a positive impact on productivity, job creation, environmental protection and quality of life;

20. Calls on the Commission and the EIB to foster the inclusion of investment with a clear social benefit, including increased levels of employment, within its scope of action, to boost, by lending, activities designed to reduce unemployment, with a particular focus on creating employment opportunities for young people, and to support public and productive investments and indispensable infrastructure projects, especially in Member States with high levels of unemployment and below-average GDP;

21. Reiterates its cautious support to the development of public-private partnerships (PPPs) which, if well designed, can play an important role in long-term investment, the digital economy, research and innovation, human capital, and European transport, energy or telecommunications networks; regrets that flawed PPPs have turned into an expensive system of public financing of the private sector, generating public debt; points out, moreover, that such operations often

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face problems of opacity as well as asymmetric information in the execution clauses between the public and private agents, normally in favour of the private sector;

22. Suggests that the EIB enhance its sectoral analysis capacities and its macroeconomic analytical work;

Risk-sharing instruments and project bonds

23. Points out that risk-sharing instruments ultimately involving the provision of public subsidies should only be foreseen where there are market failures generating external costs or for the execution of missions of general interest such as the provision of public goods and services of general economic interest, bearing in mind that such a take always bears the risk of the socialisation of losses and the privatisation of returns; notes that in the event of failure this will lead to the public sector having to cover the losses;

24. Points out that any involvement of public resources in risk-sharing instruments and more specifically in first-loss tranches of investment vehicles should either be explicitly linked to the reduction of measurable external negative costs, the generation of measurable positive external costs or the implementation of public services obligations and services of general economic interest; points out that Article 14 TFEU provides a legal basis for establishing such a link by means of an ordinary legislative proposal;

SMEs

25. Emphasises that SMEs are the backbone of the European economy, and as such should be a principal target for investment; is concerned that access to finance remains one of the most pressing difficulties facing SMEs in Europe; stresses the need for more efficient allocation of SME funding, with a broad spectrum of private investors for the provision of such funding;

26. Urges the EIB to fully analyse the drop in funding to SMEs and to come forward with a comprehensive plan to ensure SMEs across Europe are encouraged to apply for funding under the auspices of the EIB wherever possible; calls on the Commission and the EIB to assess the effect of the economic crisis on the banking system and the final recipients of EIB funding, in particular regarding SMEs, the social economy sector and public companies; asks the EIB to evaluate and report in detail on the impacts of its support to SMEs in Europe on the real economy and results for the years 2010-2014;

27. Draws attention to the high proportion of microenterprises in the European economy and welcomes the steps taken by the EIB towards microfinance lending in Europe; calls for further investment in this sector in view of the importance of microenterprises in creating jobs;

28. Highlights, in particular, the real benefits of using the risk-sharing mechanism in the promotion of funding for SMEs and innovation in Europe;

29. Takes note of the increased support for SMEs in the European Union which amounted to EUR 21,9 billion, thus providing access to financing for more than 230 000 SMEs;

30. Calls on the EIB to further increase its lending capacities to SMEs and innovative start-ups; stresses the importance of strengthening other EIB instruments, such as the European Progress Microfinance Facility;

31. Welcomes the implementation and development of new activities in the trade finance area in the countries impacted by the economic crisis, especially with the SME Trade Finance Facility or tailor-made financial solutions such as the European Progress Microfinance Facility dedicated to financial inclusion; encourages the EIB to extend the benefits of these new instruments to new beneficiaries at European level;

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32. Insists that the evaluation carried out by the Commission in December 2014 take into account both the negative and the positive impacts of projects in the Project Bond Initiative (PBI) Pilot Phase; considers it regrettable that the EIB has supported some infrastructure projects that turned out to be unviable and unsustainable; considers that the EIB should invest in projects which bring tangible economic benefits, are climate-friendly and meet the needs and interests of the population they are intended to serve;

33. Regrets the role played by the EIB and the Commission in the Castor project, which is funded in the framework of the PBI, involving a risk assessment which did not take account of the risk of increased seismic activity associated with the injection of gas, despite the existence of studies clearly warning of the potential dangers ⁽¹⁾; urges the Commission and the EIB to take action in order to avoid Spanish citizens having to pay, through a higher public deficit or by raising energy costs, EUR 1 300 million in compensation over a disastrously assessed project; asks the Commission to follow the recommendations of the European Ombudsman and investigate whether the Spanish Government decisions on Castor could be considered prohibited state aid;

34. Regrets that the EIB financed the highway bypass 'Passante di Mestre', after the Italian authorities publicly announced the arrest of the CEO of its main subcontractor for fiscal fraud; in light of the still ongoing investigations by the Italian authorities into the corruption scandal related to the construction and management of the 'Passante di Mestre', calls on the EIB not to finance the 'Passante di Mestre' project through the PBI or any other financial instrument, and to ensure that it implements its zero tolerance to fraud policy when considering the use of project bonds;

35. Calls on the EIB to increase its risk-taking capacity by promoting lending towards those sectors of the economy which have the potential to generate growth and jobs but have difficulties in obtaining financing without proper guarantees;

36. Calls, therefore, for a comprehensive evaluation of the pilot projects on the basis of an inclusive and open consultation process involving public, national and local bodies; also highlights the need for funded projects to be evaluated in terms of added value, the environment, productivity and jobs; points out that the PBI is still only at the pilot stage; also calls on the Commission to submit, via the ordinary legislative procedure, a legislative proposal which will better frame the future project bond strategy, including an enhancement of the EIB performance indicators framework for quality investment, so as to identify and measure both the impact of the funded projects in terms of external costs and their social and environmental returns as broadly as possible;

37. Is concerned by the potential generalisation of PBIs as a means to reduce costs for private investment, either through lower interest rates or socialisation of losses, rather than the more limited scope of providing support to investments of public interest where private investment can be shown to provide indispensable expertise or know-how that is not available to the public sector;

Energy and climate

38. Calls on the EIB to ensure proper implementation of its new energy lending criteria and to periodically and publicly report on their implementation;

39. Calls on the EIB to step up its investment efforts with a view to reducing significantly its carbon footprint, and to work on policies which would help the Union to reach its climate targets; welcomes the fact that the EIB will be carrying out and requesting the publication of a climate assessment and review of all its activities in 2015, which may lead to a renewed

⁽¹⁾ See: Observatori de l'Ebre (CSIC, URLL). Evaluación de Impacto Ambiental (SGEA/SHG; Ref.: GAD/13/05) — 'Almacenamiento subterráneo de gas natural Amposta (Permiso Castor) Tarragona'; IAM 2109-07 — Estudio elaborado por la Dirección General de Política Ambiental y Sostenibilidad del Departamento de Medio Ambiente y Vivienda de la Generalitat de Catalunya sobre el estudio de impacto ambiental del Proyecto de almacén subterráneo de gas natural Castor'; and Simone Cesca, Francesco Grigoli, Sebastian Heimann, Álvaro González, Elisa Buforn, Samira Maghsoudi, Estefanía Blanch y Torsten Dahm (2014): 'The 2013 September–October seismic sequence offshore Spain: a case of seismicity triggered by gas injection?', *Geophysical Journal International*, 198, 941–953.

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climate protection policy; hopes that the EIB energy policy will be concretely supported by its Emissions Performance Standard, to be applied to all fossil fuel generation projects in order to screen out investments with projected carbon emissions exceeding a threshold level; calls on the EIB to keep the Emissions Performance Standard under review and to apply stricter commitments;

40. Welcomes all steps taken by the EIB towards a shift to renewable energy; calls for the rectification of regional imbalances in renewable energy lending, particularly with a view to supporting projects in Member States which are reliant on non-renewable energy sources and taking into account differences in the economies of Member States, and for more attention to be paid in the future to smaller-scale, off-grid decentralised renewable energy projects involving citizens and communities; considers that these energy sources would reduce Europe's high level of external energy dependency, improve security of supply and stimulate the creation of green growth and jobs; stresses the importance of funding for energy efficiency, energy networks and related R&D;

41. Calls on the EIB to increase its lending volume to energy efficiency projects in all sectors, notably where relating to process optimisation, SMEs, buildings and the urban environment; calls on the EIB to give more priority to very deprived areas in line with cohesion policy;

42. Urges the EIB to present an evaluation of the possibility of phasing out its lending to non-renewable energy projects;

Infrastructure

43. Stresses that investment in sustainable infrastructure projects is key to improving competitiveness and restoring growth and jobs in Europe; calls, therefore, for EIB financing to be deployed towards the areas most affected by high unemployment; points out that EIB financing should focus primarily on those countries which are lagging behind in terms of infrastructure quality and development;

44. Encourages an increased focus on social sustainability in the EIB's urban investment activities; acknowledges the improvement in EIB funding for social housing but emphasises the need to further develop research and activity on social sustainability in the context of sustainable urban regeneration;

Research and innovation

45. Welcomes the launch of the first Growth Financing Initiative (GFI) operations and stresses the importance of adequate financing for research and innovation projects and innovative start-ups;

Employment and social affairs

46. Notes the launch of the 'Skills and jobs — Investing for Youth' initiative and urges the EIB to accelerate implementation of this initiative and consider its broadening;

Governance, transparency and accountability

47. Calls on the EIB to monitor more closely the implementation of projects in cooperation with Member States, in order to ensure greater efficiency and sound management of the allocated resources;

48. Points out that the geographical distribution of the financing provided by the EIB reveals significant discrepancies in lending to various Member States; calls, therefore, on the EIB to assess the reasons for such discrepancies and to ensure that financial institutions in all Member States are fully capable of managing and implementing EIB programmes; calls, furthermore, for specific information campaigns in all Member States with the aim of raising awareness about specific EIB programmes; also calls for stronger cooperation between the EIB and national authorities in order to address the bottlenecks that hinder the signing and implementation of EIB projects;

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49. Recalls that the Council and Parliament agreed that the time was ripe to study the rationalisation of the system of European public financial institutions ⁽¹⁾;

50. Urges the EIB to improve the independence and effectiveness of its Complaint Mechanism Office; calls on the EIB Management Committee to take on board the recommendations of that office; calls on the EIB to act on the opinions of the European Ombudsman and to practise greater cooperation in order to avoid situations like the inquiry into complaint 178/2014/AN against the European Investment Bank ⁽²⁾;

51. Believes that there are still considerable margins for manoeuvre for improving transparency, and assessing the economic and social impact of the loans and the effectiveness of the implementation of due diligence; reiterates its demand to the Bank to provide details on its approach to accelerate measures addressing these issues and asks for a stringent list of criteria for selection of these financial intermediaries to be established by the EIB jointly with the Commission and be made publicly available;

52. Regrets the outcome of the transparency policy review of the EIB; the new transparency policy is weaker than the original policy and does not fully overcome the EIB's past culture of secrecy, and urges the EIB to operate on the basis of the 'presumption of disclosure' rather than the 'presumption of confidentiality'; draws attention to the fact that the EIB is required to make sure that its transparency policy is consistent with the provisions of Regulation (EC) No 1049/2001 on public access to European Parliament, Council and Commission documents; regrets the fact that the 2013 aid transparency index ⁽³⁾ shows that the EIB fares poorly on transparency and accountability;

53. Calls on the EIB to refrain from cooperation with financial intermediaries having a negative track record in terms of transparency, tax evasion or aggressive tax planning practices, or use of other harmful tax practices such as 'tax rulings' and abusive transfer pricing, fraud, corruption or environmental and social impacts, or with no substantial local ownership, and to update its policies on anti-money laundering and combating the financing of terrorism; highlights the need for more comprehensive transparency regarding global loans, to ensure rigorous scrutiny of the impact of this type of indirect lending; encourages the EIB to make both direct funding and funding via intermediaries contingent upon the disclosure of both country-by-country tax-relevant data along the lines of the CRD IV provision for credit institutions, and beneficial ownership information; to this end, calls on the EIB to establish a new responsible taxation policy, starting from the review of its policy on non-cooperative jurisdictions (NCJ policy) in 2015;

54. Urges the EIB not to cooperate with entities operating out of secrecy jurisdictions 'characterised notably by no or nominal taxes, a lack of effective exchange of information with foreign tax authorities and a lack of transparency in legislative, legal or administrative provisions, or as identified by the Organisation for Economic Cooperation and Development or the Financial Action Task Force' ⁽⁴⁾;

55. Urges the EIB to take a leading and exemplary role on issues of tax transparency and responsibility; calls in particular on the EIB to collect precise data on the tax payments resulting from its investment and lending operations, especially on taxation of corporate profits and particularly in developing countries, and to analyse and publish this data annually;

56. Welcomes the creation of a public register of documents in 2014 in line with Regulation (EC) No 1367/2006;

⁽¹⁾ Recital 8 of Decision No 1219/2011/EU of the European Parliament and of the Council of 16 November 2011 concerning the subscription by the European Union to additional shares in the capital of the European Bank for Reconstruction and Development (EBRD) as a result of the decision to increase this capital (OJ L 313, 26.11.2011, p. 1).

⁽²⁾ Decision of the European Ombudsman closing the inquiry into complaint 178/2014/AN against the European Investment Bank — <http://www.ombudsman.europa.eu/cases/decision.faces/en/58171/html.bookmark>

⁽³⁾ <http://newati.publishwhatyoufund.org/2013/index-2013/results/>

⁽⁴⁾ Recital 13 of Decision No 1219/2011/EU.

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57. Regrets the fact that in the context of a recent case (Mopani/Glencore), the EIB is refusing to publish the findings of its internal inquiry; notes with attention the recommendations of the European Ombudsman in complaint 349/2014/OV⁽¹⁾ for the EIB to reconsider its refusal to grant access to its report on the investigation into the Glencore tax evasion allegations in relation to the financing of the Mopani copper mine in Zambia; asks the EIB to follow the recommendations of the European Ombudsman;

58. Regrets the lack of diversity in the management committee, the board of governors and the board of directors of the EIB, in particular with regard to gender; calls upon the EIB to implement the spirit of the Capital Requirements Directive, Article 88(2) of which obliges banks to 'decide on a target for the representation of the underrepresented gender in the management body and prepare a policy on how to increase the number of the underrepresented gender in the management body in order to meet that target. The target, policy and its implementation shall be made public';

59. Recalls that it was agreed that the Governor of the EBRD for the Union shall ensure annual reporting to Parliament on the use of capital, on measures to ensure transparency with regard to how the EBRD has contributed to the Union's objectives, on risk taking, and on cooperation between the EIB and the EBRD outside the Union; regrets that the Governor and the Commission have not been proactive regarding the implementation of this legal provision⁽²⁾;

60. Welcomes the fact that the EIB signed the International Aid Transparency Initiative (IATI) and started disclosing information in accordance with this framework about its lending outside of the European Union;

External policies

61. Recalls that the external policy of the EIB, and in particular the regional technical operational guidelines, should be consistent with the external action goals of the EU as defined in Article 21 TEU; calls for full respect of the legislation of the beneficiary countries;

62. Welcomes the establishment of the Results Measurement Framework (REM) for activities outside the EU and the reports on its implementation;

63. Calls on the EIB to assess the possibility of increasing external financing towards the EU's Eastern and Southern Mediterranean neighbourhood within the current mandate;

64. Welcomes the fact that the new External Lending Mandate for 2014-2020 requires the EIB to publish project completion reports; expects the EIB to deliver on this requirement as early as 2015;

65. Reiterates its request that the European Court of Auditors (ECA) produce a special report on the performance and alignment with EU policies of EIB external lending activities before the mid-term review of the EIB's external mandate, and to compare their added value with regard to the own resources used by the EIB; asks the ECA, furthermore, to differentiate in its analysis between the guarantees granted by the EU budget, the investment facility guaranteed by the EDF, the various forms of blending used in the EU-Africa infrastructural trust fund, the Caribbean investment fund and the investment facility for the Pacific, and the usage of reflows for these investments; also asks the European Court of Auditors to include in its analysis the management by the EIB of funds derived from the EU budget in the context of the investment facility via the European Development Fund and through the various forms of blending via EU blending facilities, and the usage of reflows for these investments;

Further recommendations

66. Calls for the EIB and Parliament to set up a platform for dialogue between the EIB and the relevant Parliament Committees; asks, on this basis, for the EIB to come to Parliament to report and discuss on EIB progress and activities on a quarterly basis; proposes that regular structured dialogue between the President of the EIB and Parliament, similar to the quarterly monetary dialogue between the ECB and Parliament, be set up to ensure increased parliamentary oversight of the EIB's activities and facilitate enhanced cooperation and coordination between the two institutions;

⁽¹⁾ <http://www.ombudsman.europa.eu/cases/draftrecommendation.faces/en/58471/html.bookmark>

⁽²⁾ Article 3 of Decision No 1219/2011/EU.

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67. Notes that complaints, especially from small businesses, persist regarding the lack of access to funding originating from the EIB's external lending capacities, and to funding supported by the EIF; requests, therefore, an annual survey of how many SMEs, and in particular microenterprises, have benefited from these facilities and what measures the EIB has taken in respect of the policies of intermediaries used by the EIB to improve effective access to funding for SMEs;

68. Calls for a thorough assessment and a report on risks and control systems associated with blended finance with the European Commission, considering the impact of blending activities not only in terms of oversight but also in terms of governance options;

69. Welcomes the strong asset quality of the EIB, with a rate of impaired loans close to 0 % (0,2 %) of the total loan portfolio; considers it essential to ensure that the EIB keeps its triple-A credit rating in order to preserve its access to international capital markets under the best funding conditions, with subsequent positive impacts on project life and for stakeholders and the EIB's business model;

70. Notes that the Tripartite Agreement mentioned in Article 287(3) of the Treaty on the Functioning of the European Union, governing cooperation between the EIB, the Commission and the Court of Auditors with respect to the methods for controls exercised by the Court regarding the EIB's activity in managing Union and Member State funds, is up for renewal in 2015; calls upon the EIB to update the remit of the European Court of Auditors in this respect, by including any new EIB facilities involving public funds from the EU or the European Development Fund;

71. Welcomes the approval by the EIB Board of an updated anti-fraud policy in 2013, confirming the bank's zero tolerance approach;

72. Calls for greater effectiveness, less regulation and more flexibility in the allocation of EIB funds;

73. Calls on the EIB to engage in a structured communication process with parliaments, governments and social partners in order to pinpoint on a regular basis those job creation initiatives that could help achieve a sustainable increase in Europe's competitiveness;

74. Welcomes the support provided to SMEs in areas with youth unemployment rates of above 25 %;

75. Welcomes the focus on mid-caps (companies with between 250 and 3 000 employees), through the Mid Cap Initiative and the Growth Finance Initiative, both of which stimulate loans, in particular to innovative mid-caps;

76. Welcomes the EIB's new 'Skills and Jobs — Investing for Youth' initiative, focusing on financing facilities for vocational training and student/apprentice mobility to provide young people with lasting employment opportunities, and calls for an even greater focus on vocational training and increased investments in this lending programme in the coming years; believes, however, that this programme should not divert funding away from the current grants system, in particular as regards the Erasmus+ programme; stresses that mobility must be treated as an opportunity and remain voluntary, and not become an instrument which contributes to the depopulation and marginalisation of areas affected by unemployment; calls for attention to be paid to those projects which will enable quality jobs creation, with a special focus on projects related to youth employment creation, increasing the share of the labour market held by women, reducing long-term unemployment and improving the possibilities of disadvantaged groups to secure jobs;

77. Welcomes the extensive experience of the EIB in financing education and training through student loans operations conducted in Europe, especially in view of the rendering operational by the EIB Group of the Erasmus Master Mobile Student Loans Guarantees in 2015; stresses the importance of advantageous repayment rules in order to ensure complete ease of access to loans by students, irrespective of their economic background;

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78. Calls on the EIB to pay special attention to the first pillar criterion of contribution to growth and employment, and in particular to youth employment, when selecting its projects under the three-pillar assessment method; stresses the importance of jobs, training and apprenticeships for young people as part of a move towards a sustainable, job-creating model;

79. Recalls Vice-President Katainen's commitment to increase the EIB's potential in relation not only to infrastructure but also to youth employment and education, and calls on the EIB to report on progress made in this area in its next annual report; believes that youth employment measures already initiated should be implemented more rapidly and expanded progressively;

80. Believes that the EIB should invest substantially in measures that create sustainable jobs for the younger generations, in addition to those already launched under the Youth Employment Initiative;

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

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Expo Milano 2015: Feeding the Planet, Energy for Life

European Parliament resolution of 30 April 2015 on Milano Expo 2015: Feeding the Planet, Energy for Life (2015/2574(RSP))

(2016/C 346/14)

The European Parliament,

- having regard to the decision of the International Exhibitions Bureau to organise a universal exhibition in Milan from 1 May to 30 October 2015 on the theme ‘Feeding the Planet: Energy for Life’,
- having regard to the Commission decision of 3 May 2013 on the participation of the Commission in the World Expo 2015 in Milan (C(2013)2507),
- 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 May 2013 entitled ‘EU Participation at the World Expo 2015 in Milan “Feeding the Planet: Energy for Life”’ (COM(2013)0255),
- having regard to the work of the European Union Scientific Steering Committee, supported by the Commission and Parliament and launched on 21 March 2014 to provide expert advice on the challenges of food and nutrition security and to give guidance on the programme of events for Expo 2015,
- having regard to the Millennium Development Goals adopted by the United Nations in September 2000 and the draft Sustainable Development Goals to be adopted by the next United Nations General Assembly in September 2015,
- having regard to the Food and Agriculture Organisation (FAO) publication ‘World agriculture towards 2030/2050: the 2012 revision’,
- having regard to the 2014 FAO International Year of Family Farming,
- having regard to the 2015 FAO International Year of Soils,
- having regard to its resolution of 18 January 2011 on recognition of agriculture as a strategic sector in the context of food security ⁽¹⁾,
- having regard to its resolution of 19 January 2012 on how to avoid food wastage: strategies for a more efficient food chain in the EU ⁽²⁾,
- having regard to the Universal Declaration of Human Rights of 1948, in particular to Article 25 thereof, which recognises the right to food as part of the right to an adequate standard of living,
- having regard to the question to the Commission on Expo Milano 2015: Feeding the Planet, Energy for Life (O-000016/2015 — B8-0109/2015),
- having regard to the motion for a resolution of the Committee on Agriculture and Rural Development,
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

⁽¹⁾ OJ C 136 E, 11.5.2012, p. 8.

⁽²⁾ OJ C 227 E, 6.8.2013, p. 25.

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- A. whereas the theme of Milan Expo 2015 is 'Feeding the Planet, Energy for Life' and the event could provide a serious boost to the debate on improving food production and food distribution, tackling food waste, promoting and developing already-existing positive approaches to face the challenge of food insecurity, malnutrition and poor diets and striking a balance between supply and consumption;
- B. whereas the theme of Expo Milano 2015 provides an opportunity to consider and discuss various approaches to resolving the paradoxes of a globalised world where, according to FAO data, on the one hand 898 million people are undernourished and going hungry while, on the other, 1,4 billion are overweight, including 500 million who are obese, a situation which is causing social and economic damage and in some cases is having a dramatic impact on human health;
- C. whereas Milan Expo 2015 coincides with the target year of both the Millennium Development Goals (MDGs) and the UN International Year of Soils, and should be inspirational to the debate on the new Sustainable Development Goals, whose final draft is going through the negotiation phase, and whereas agriculture, food and nutrition security are at the heart of this exercise;
- D. whereas the themes of Milan Expo 2015, which principally concern food, also include fisheries which, like agriculture, is connected to the issues of food, food autonomy and sustainability;
- E. whereas Expo 2015 is drafting a 'Milan Charter', a document to be submitted to the UN Secretary-General as a legacy of Expo 2015 and a contribution to the international debate on the Millennium Development Goals;
- F. whereas the Expo 2015 themes primarily concern the agriculture sector, which remains a keystone for the Union's economy, given that agricultural exports represent two thirds of its total external trade, that the Union remains the biggest agricultural exporter in the world and that the EU's food sector generates an annual turnover of almost EUR 1 trillion and employs more than 4 million people;
- G. whereas, like agriculture, fishing is a key element of the economy, firstly in terms of imports, given that the EU is the world's leading importer of fishery and aquaculture products and that the value of exports is EU 4,1 billion a year, and secondly because 116 094 people work in the fisheries sector, 85 000 in aquaculture and 115 651 in the fish processing sector;
- H. whereas 'Feeding the Planet: Energy for Life' is a global theme, which involves all the economic and productive activities that contribute to guaranteeing nutrition and sustainability;
- I. whereas the fishery sector needs to be involved in the debate about how to feed the planet in so far as it provides seafood, striking a balance between supply and consumption of resources;
- J. whereas the EU Scientific Steering Committee for Expo 2015 foresees the need to pursue new knowledge in some specific areas and to promote better public understanding of food and food production within the agricultural, blue economy and fisheries sectors through education and communication, so that people recognise the global impact of their individual food choices;
- K. whereas the experience of civil society and its contribution to the debate on the Expo 2015 issues are crucial and its experience and initiatives should be encouraged to develop a substantial international debate and guidelines aimed at mitigating the global crises surrounding food and nutrition;

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- L. whereas healthy soils are not only a fundamental requirement for the production of food, fuel, fibre and medicines, but also essential for our ecosystems, since they play a major role in the carbon cycle, while they also store and filter water and help to tackle flooding and drought;
- M. whereas our oceans, seas and internal waterways are valuable in terms of healthy nutrition, and whereas their protection is essential for our survival; whereas fisheries and aquaculture ensure the livelihoods of 10-12 % of the world's population;
- N. whereas, in order to ensure full transparency for Expo 2015, the Open Expo platform is openly publishing all information regarding the management, organisation and conduct of the event, thereby setting what may be regarded as a good example of transparency;
- O. whereas the FAO estimates that global population growth from 7 billion to 9,1 billion will require a 70 % increase in food supply by the year 2050, while the same projections suggest that production increases alone would not be sufficient to ensure food security for everyone;
- P. whereas the number of people suffering from hunger amounted to 925 million in 2010, according to the FAO; and more than one third of the deaths of under-five-year-olds are attributable to under nutrition;
- Q. whereas the FAO estimates an increase of only 4,3 % in arable land in use in 2050;
- R. whereas growth in per capita income in emerging countries is driving a shift in diets towards products with a higher protein content, including animal-based proteins, and processed products, thus promoting a process of dietary convergence worldwide as experienced by richer populations;
- S. whereas protein production is one of the major challenges for food security, and whereas fishing therefore has a key role to play in this respect, as does the blue economy as a whole, particularly as regards algae research;
- T. whereas fish is a critical source of dietary protein and micronutrients for impoverished communities that may not have ready access to other sources of nutrition; whereas, in many parts of the world, livelihoods and the nutritional benefits of marine resources are derived locally, within communities that fish in coastal and inland waters near their homes;
- U. whereas diets containing a high proportion of animal products require the consumption of significantly more resources than diets containing a high proportion of vegetable products;
- V. whereas agriculture provides employment and a livelihood for more than 70 % of the labour force, mainly women, in developing countries; whereas the World Bank estimates that growth in the agricultural sector is twice as effective at reducing poverty as growth in other sectors;
- W. whereas, according to the FAO, some 58,3 million people were engaged in the primary sector of capture fisheries and aquaculture in 2012; whereas women accounted for more than 15 % of all people directly engaged in the fisheries primary sector in 2012; whereas, overall, fisheries and aquaculture ensure the livelihoods of 10-12 % of the world's population;
- X. whereas areas of food insecurity exist in the EU and 79 million people in the EU still live below the poverty line, while 124,2 million people, or 24,8 %, are at risk of poverty or social exclusion, compared with 24,3 % in 2011;
- Y. whereas only half of all developing countries (62 out of 118) are on track to achieve the MDG target;

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- Z. whereas the universal right to food and good nutrition is paramount to achieving the MDGs; whereas nutrition is linked to most, if not all, of the MDGs, which are themselves closely interrelated;
- AA. whereas various international legal instruments link the right to food to other human rights, including people's rights to life, livelihood, health, property, education and water;
- AB. whereas the share of official development assistance (ODA) allocated to agriculture internationally has fallen dramatically over the last three decades;
- AC. whereas the concept of food and nutrition security (FNS) does not only mean the availability of food supplies, but also includes the right to food, accurate information about what we eat and universal, sustainable access to healthy nutrition, which includes other factors such as sanitation, hygiene, vaccination and deworming;
- AD. whereas hunger and malnutrition are the main causes of human mortality and the greatest threats to world peace and security;
- AE. whereas volatile food prices have negative consequences for food security and the food supply chain;
- AF. whereas the global economic downturn and rising food and fuel prices have worsened the food situation in many developing countries, especially the least developed countries, thus partly setting back the last decade's progress on poverty reduction;
- AG. whereas fragile agricultural and fish product markets in developing countries make food supplies excessively vulnerable to natural disasters, conflict and public health crises;
- AH. whereas the food system both contributes to and is affected by climate change, which has implications for the availability of natural resources and on conditions for agricultural, fisheries and industrial production;
- AI. whereas natural disasters caused by climate change have a severe impact on EU Member States and overseas, threatening food security and food sovereignty, especially in already vulnerable situations;
- AJ. whereas the Commission estimates that 30 % of food worldwide is lost or wasted and that by 2020 annual food waste in the European Union, currently approximately 89 million tonnes (179 kg per capita), will rise to approximately 126 million tonnes — a 40 % increase — unless preventative actions or measures are taken;
- AK. whereas better management of the food sector would mean more efficient land use, better water resource management, and positive effects on the whole agricultural and fisheries sector worldwide, while also furthering the fight against undernourishment and poor diets in the developing world;
- AL. whereas the discard of fish constitutes a purposeless waste of valuable living resources and plays an important role in the depletion of marine populations; whereas discarding may have a number of adverse ecological impacts on marine ecosystems due to changes in the overall structure of trophic webs and habitats, which in turn could jeopardise the sustainability of current fisheries;
- AM. whereas hunger, poor diets and undernutrition coexist with paradoxical levels of obesity and diseases attributable to unbalanced diets, which have social and economic consequences with a sometimes dramatic impact on human health;
- AN. whereas investment trade agreements could have a detrimental effect on food security and malnutrition if the leasing or selling off of arable land to private investors results in depriving local populations of access to production resources indispensable to their livelihoods, or in large portions of food being exported and sold on international markets, thereby making the host state more dependent on — and more vulnerable to — fluctuation in commodity prices on international markets;

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- AO. whereas hunger cannot be sustainably ended by simply supplying enough food for everybody; whereas this will only be achieved by allowing small-scale farmers and fisheries to be able to keep and work the land and waters, maintaining fair-trade systems, and sharing knowledge, innovation and sustainable practices;
- AP. whereas it is appropriate to recognise the key role of farmers and fishermen and in particular that of family farming and fishing in ensuring global food security;
- AQ. whereas it is particularly important to recognise the essential role of fishermen and fish farmers on our European coastal territories and islands;
- AR. whereas it is appropriate to recognise the multiple functions fulfilled by agriculture, forestry and fisheries, which, in addition to producing food, are of key importance to public wellbeing in terms of landscape quality, biodiversity, climate stability, ocean quality and the mitigation of natural disasters such as flooding, drought and fires;
1. Stresses that the following are vital to meeting the food security challenge: a strong and sustainable agricultural and fisheries sector across the EU, a thriving and diversified rural economy, a clean environment, and family farms, supported by a robust, fairer, internationally sustainable and appropriately financed common agricultural policy;
 2. Underlines the fact that it is also important to implement a sustainable and appropriately financed CFP and to guarantee coherence between EU trade and fisheries policies;
 3. Considers that environmental sustainability will only be possible and efforts to adapt to and mitigate climate change will only succeed if farms are economically sustainable and farmers are given access to land, credit and training;
 4. Urges the Commission and the Member States to leverage the theme of Milan Expo 2015 'Feeding the Planet, Energy for Life' to set commitments to fulfilling the right to adequate, healthy, sustainable and informed food consumption;
 5. Calls on the Commission to ensure that the 'EU pavilion' at Expo 2015 raises awareness of the need to address urgent problems in the entire food supply chain, including the long-term sustainability of food production, distribution and consumption, to tackle food waste and to combat the problem of malnutrition, poor diets and obesity;
 6. Stresses that the right to food is a basic human right and can only be achieved when all people have access to suitable, safe and nutritious food to meet their dietary needs for an active and healthy life;
 7. Underlines the fact that access to food is a prerequisite for reducing poverty and inequality and achieving the MDGs;
 8. Stresses that the fight against undernutrition and the provision of universal access to adequate nutritious food should remain one of the most important targets of the post-2015 agenda under the goal of ending hunger, with a specific call to end all forms of malnutrition by 2030;
 9. Believes that increased volatility in food markets poses problems for sustainability and requires us to step up measures to boost security of food supply and the environmental sustainability of food production by tackling the scarcity of natural resources and promoting research and innovation in agriculture and fisheries;
 10. Believes that appropriate institutional, regulatory and monitoring frameworks can promote an environment for developing robust, sustainable, equitable, affordable and diversified agricultural and fisheries market systems;
 11. Insists that the Commission ensure consistency between the political decisions of its directorates-general for trade, agriculture and fisheries, in order to ensure reciprocity in hygiene and sustainability standards;

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12. Is of the opinion that small-scale farming and organic, high nature value (HNV) or tree-based agriculture should be promoted as models particularly effective in delivering sustainability in global food production;
13. Calls on the Commission to encourage more efficient agronomic practices, such as agroecological and diversification approaches and improved sustainable agriculture resource management, in order to: reduce the input costs of agricultural production and nutrient wastage, enhance knowledge and innovation transfer, foster resource efficiency, and increase the diversity of crops and sustainability in farming systems;
14. Calls on the Commission to support research on the quality of coastal waters, land management and sustainable intensification by promoting a more efficient use of nutrients, water and energy; increasing the focus on the conservation of water and soil resources; further adapting biological measures for pest control (integrated pest management, or IPM); and promoting research with a view to improving yields while reducing the environmental impact;
15. Is concerned about the emergence of land grabbing and its implications for food security in developing countries and the future of agriculture and farmers;
16. Is concerned about the emergence of illegal fisheries all over the world, with highly detrimental effects on the environment, biodiversity and the economy;
17. Calls on the Commission to raise awareness among Member States and encourage them to use the land 'resource' with a view to sustainability, which is necessary in order to achieve food security and proper nutrition, to adapt to and mitigate climate change, and for sustainable development in general;
18. Underlines the importance of tackling land degradation, which is further exacerbating poverty and food insecurity;
19. Calls on the Commission to encourage the worldwide implementation of the UN-FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, both on the side of the investors and on the side of target countries;
20. Calls on the Italian Government to propose and develop projects for sustainable reuse of the Expo 2015 sites;
21. Calls on the Commission to help achieve, at global level, the goals of the FAO in order to support the development of agricultural, environmental and social policies that encourage sustainable family farming;
22. Stresses that the current imbalances in the food supply chain threaten the sustainability of food production, and calls for increased transparency and fairness in the chain and the elimination of unfair trading practices and other market distortions in order to ensure a fair return for farmers, fair profits and pricing along the food supply chain and a viable agricultural sector that will deliver food security; calls, therefore, on the Commission to take all necessary steps to ensure that these goals are achieved as soon as possible;
23. Takes the view that the Commission and the Member States should promote policies aimed at combating unfair practices, the existence of which has been recognised by the Commission's High Level Forum, for a better functioning food supply chain;
24. Stresses that in order to deliver food security, it is necessary to vigorously combat land loss and the abandonment of marginal farming areas;
25. Stresses that, in order to deliver food security, it is necessary to vigorously combat illegal fisheries;
26. Highlights the key role of rural development for the economic and social growth of the land and calls for support for young farmers;

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27. Calls on the Commission to work towards an ambitious international agreement that includes food for climate change mitigation, in view of the international discussions of the Paris 2015 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change;
 28. Calls on the Council to recognise the role of the whole agricultural sector in both mitigating and adapting to climate change;
 29. Calls on the Commission to fight against food waste with ambitious, clearly defined, binding targets to encourage the Member States to take action against food waste at every level of the food supply chain, from field to fork;
 30. Encourages the Member States to educate citizens, promote and disseminate best practices, conduct analyses and initiate social and educational campaigns in schools on food waste and on the importance of a healthy, balanced diet, giving priority to local farm produce, designating 2016 as the European Year against Food Waste;
 31. Considers that it is important to initiate a dialogue with stakeholders to ensure that unsold and safe edible food is systematically made available to charitable organisations;
 32. Urges the Member States and the Commission to further promote, starting in schools at the earliest age, healthy food, mindful nutrition and quality and sustainability standards in nutrition in terms of research and education — encouraging responsible and healthy lifestyles — and to further develop policy aimed at eradicating malnutrition and poor diets and preventing obesity;
 33. Stresses the importance of encouraging education about healthy, balanced nutrition and raising awareness of and promoting local products and traditional diets;
 34. Strongly suggests that the whole food system, of which agriculture is a part, together with trade, health, education, climate and energy policies, function under a human-rights-based approach, which should be championed by the Union;
 35. Calls, therefore, for inclusion of the gender dimension and the promotion of women's empowerment in all policies aimed at fighting food insecurity;
 36. Reiterates the importance of promoting agriculture and fisheries in the developing world and the importance of allocating an appropriate share of EU overseas development assistance (ODA) to the agriculture sector; considers it regrettable that there has been a dramatic reduction in the level of development aid allocated to agriculture since the 1980s and welcomes the recognition of the need to reverse this trend;
 37. Considers that it is important to improve the conditions of women in agriculture, especially in African, Caribbean and Pacific (ACP) countries, as empowering and investing in rural women has been shown to significantly increase productivity and reduce hunger and malnutrition;
 38. Calls on the Commission and the Member States to give priority to cooperation programmes based on microcredit, with a view to supporting small, environmentally sustainable farms in feeding local populations;
 39. Instructs its President to forward this resolution to the Commission and Council and to the commissioners of the participating Member States responsible for Expo 2015 Milan.
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P8_TA(2015)0185

Situation in Nigeria**European Parliament resolution of 30 April 2015 on the situation in Nigeria (2015/2520(RSP))**

(2016/C 346/15)

The European Parliament,

- having regard to its previous resolutions on Nigeria and in particular to its most recent plenary debate on the matter, of 14 January 2015,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, including those of 8 January, 19 January, 31 March, and 14 and 15 April 2015,
- having regard to the Council conclusions of 9 February 2015,
- having regard to Commission Implementing Regulation (EU) No 583/2014 of 28 May 2014⁽¹⁾, which added Boko Haram to the list of persons, groups and entities covered by the freezing of funds and economic resources,
- having regard to the fifth Nigeria-EU ministerial dialogue, held in Abuja on 27 November 2014,
- having regard to the preliminary conclusions of the EU and European Parliament election observation missions,
- having regard to the regional conference on security held in Niamey on 20 January 2015,
- having regard to the statements made by the UN Secretary-General, Ban Ki-moon, on the continuing violence and deteriorating security situation in north-eastern Nigeria,
- having regard to the statements by the UN High Commissioner for Human Rights on the possibility that members of Boko Haram could be accused of war crimes,
- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 1981,
- having regard to the African Charter on Human and Peoples' Rights of 1981, ratified by Nigeria on 22 June 1983,
- having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the constitution of the Federal Republic of Nigeria, adopted on 29 May 1999, and in particular the provisions of Chapter IV thereof,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the optional protocol thereto,
- having regard to 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 (the Cotonou Agreement),

⁽¹⁾ OJ L 160, 29.5.2014, p. 27.

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- having regard to Article 208 of the Treaty on the Functioning of the European Union, which establishes taking into account the principle of policy coherence for development in all EU external policies,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas Nigeria is the most populous and ethnically diverse country in Africa, and is marked by regional and religious cleavages and a north-south divide characterised by severe economic and social disparities;
- B. whereas Nigeria is the biggest economy in the African continent and a major EU trading partner, but whereas despite its vast resources, Nigeria ranks among the most unequal countries in the world, with more than 70 % of its population living on less than USD 1,25 per day and 10 % of the country's population controlling over 90 % of its wealth and resources;
- C. whereas the attacks carried out by Boko Haram between 3 and 8 January 2015 targeted Baga and 16 surrounding towns and villages, destroying nearly 3 700 structures, according to satellite images, and killing thousands of people;
- D. whereas Boko Haram has taken and held a number of towns in north-east Nigeria and continues to forcibly recruit civilians to its ranks, including many children; whereas the violence caused by Boko Haram has resulted in more than 22 000 deaths since 2009, indiscriminately targeting Christians, Muslims and anyone who does not adhere to its dogmatic and extreme beliefs; whereas in March 2015 Boko Haram pledged its allegiance to the Islamic State group; whereas on 27 March 2015 hundreds of bodies were found in the north-eastern town of Damasak, apparently victims of the Boko Haram insurgency;
- E. whereas in April 2014 more than 270 girls were kidnapped from a government school in Chibok (Borno state); whereas the majority remain missing and are at serious risk of sexual violence, enslavement and forced marriage; whereas since then hundreds more people have been abducted by Boko Haram; whereas on 28 April 2015 almost 300 girls and women were rescued in Sambisa Forest;
- F. whereas the UN estimates that the violence in Borno, Yobe and Adamawa states has displaced 1,5 million people, including 800 000 children, while more than 3 million people have been affected by the insurgency;
- G. whereas more than 300 000 Nigerians have fled to north-western Cameroon and south-western Niger to escape the violence, and whereas hundreds of Nigerians are risking their lives on the migration routes to the EU in hope of living in better economic, social and security conditions;
- H. whereas Boko Haram aims to establish a fully Islamic state in northern Nigeria, including the implementation of criminal sharia courts, and to forbid Western education;
- I. whereas owing to worsening insecurity, farmers are no longer able to cultivate their lands or harvest their products for fear of being attacked by Boko Haram, a situation that is further exacerbating food insecurity;
- J. whereas the number of attacks, including the use of children as suicide bombers, is increasing, and whereas attacks are being perpetrated across large areas and also in the neighbouring countries of Chad and Cameroon;
- K. whereas the initial response of the Nigerian authorities was extremely insufficient and has ignited a sentiment of distrust among the population towards the country's institutions; whereas under the former government the Nigerian authorities carried out mass incarcerations and detentions, together with extrajudicial killings and a large number of other violations of international law;
- L. whereas the spillover of the Boko Haram insurgency into neighbouring countries highlights the importance of greater regional cooperation and response;

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- M. whereas Nigeria plays a key role in regional and African politics and is a driving force of regional integration through the Economic Community of West African States (ECOWAS);
- N. whereas oil revenues have been steadily decreasing and an economic crisis is looming, and whereas, by some estimates, between USD 3 billion and USD 8 billion in Nigerian oil is stolen annually; whereas decades of economic mismanagement, instability and corruption have hindered investment in Nigeria's education and social services systems;
- O. whereas education, literacy, women's rights, social justice and a fair distribution of state revenues in society through tax systems, reducing inequality, and the fight against corruption and tax evasion are key to fighting fundamentalism, violence and intolerance;
- P. whereas terrorism is a global threat, but whereas the global community's efforts to do more against Boko Haram in Nigeria depended to some degree on the full measure of credibility, accountability and transparency of the election;
- Q. whereas Nigeria is still a young and fragile democracy, which faced extreme violence following the results of the 2011 elections and accusations of vote rigging;
- R. whereas the Independent National Electoral Commission (INEC) postponed the elections from 14 and 28 February 2015 to 28 March and 11 April 2015, in order to enable the government to launch military actions against Boko Haram, and whereas a regional response was launched in March 2015;
- S. whereas the Chadian army, together with Niger and Cameroon, is the main force fighting against Boko Haram, and whereas its full involvement against Boko Haram terrorists in Gamboru Ngala, Malam Fatori and Kangalam in Nigeria is acknowledged; whereas the great price paid by this army in the war against terrorism is recognised; whereas the European Parliament expresses its full solidarity with the wounded and the families of the victims;
- T. whereas the electoral campaign took place in a tense environment, with incidents of election-related violence reported in all parts of the country, especially in the south and south-west, together with Boko Haram attacks to discourage voters, breaches of campaign regulations and inducement of voters;
- U. whereas systemic weaknesses, notably at the collation, together with the misuse of incumbency and the use of violence, were noted by local and international observers, including EU observers; whereas, however, no systematic manipulation was observed;
- V. whereas the EU deployed a long-term election observation mission at the invitation of the government, which included a delegation from the European Parliament; whereas such missions were also deployed by the African Union, the Commonwealth of Nations and ECOWAS;
- W. whereas on 31 March 2015 the presidential candidate of the opposition All Progressives Congress (APC), General Muhammadu Buhari, was declared the winner of the elections, and the incumbent president peacefully conceded his defeat; whereas the opposition APC won the majority of the presidential, Senate and House of Representatives votes in four of the six geopolitical zones;
- X. whereas fewer women were elected than in 2011, which already displayed a negative trend;
- Y. whereas 17 % of girls are married before they turn 15, with child marriage figures as high as 76 % in the North-West region; whereas Nigeria has the highest absolute number of female genital mutilation (FGM) victims worldwide, accounting for about a quarter of the estimated 115-130 million victims in the world;

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1. Strongly condemns the ongoing and increasingly disturbing violence, including the continuing wave of gun and bomb attacks, suicide bombings, sexual slavery and other sexual violence, kidnappings and other violent acts committed by the terrorist sect Boko Haram against civilian, government and military targets in Nigeria, which have led to thousands of deaths and injuries and have displaced hundreds of thousands of people, and which could constitute crimes against humanity;
2. Deplores the massacre of innocent men, women and children, and stands shoulder to shoulder with the people of Nigeria in their determination to fight all forms of terrorism in their country; praises the work of all journalists and human rights defenders in seeking to bring the world's attention to Boko Haram's extremism and to the innocent victims of its violence;
3. Recalls that one year has passed since the abduction of 276 girls from a school outside Chibok, and that according to human rights groups at least another 2 000 girls and women have been taken; asks the government and the international community to do everything in their power to find the abductees and free them;
4. Asks the newly elected president to keep his campaign promises and to put all resources into bringing an end to the violence of Boko Haram, re-establishing stability and security across the whole country and addressing the root causes of this terrorism, and in particular to take firmer action to fight internal corruption, mismanagement and inefficiencies within the public institutions and the army, which have rendered it incapable of dealing with the scourge of Boko Haram in the north of the country, and to adopt measures to starve Boko Haram of its sources of illegal income through cooperation with neighbouring countries, in particular with regard to smuggling and trafficking;
5. Asks Nigeria's religious authorities and leaders to cooperate actively with civil society and public authorities in order to combat extremism and radicalisation;
6. Calls on the new Nigerian authorities to adopt a roadmap for the social and economic development of the northern and southern states in order to address the issues of poverty, inequality, educational opportunities and access to healthcare, promoting fair distribution of oil revenues in the context of decentralisation, which are a cause of spiralling violence; also calls on the Nigerian authorities to take serious action to bring an end to female genital mutilation, child marriage and child labour; asks the EU to use all its tools to promote these measures, and to efficiently curb illicit financial flows and tax evasion and avoidance and boost democratic international cooperation in tax matters;
7. Welcomes the determination expressed at the Niamey Regional Summit of 20 and 21 January 2015 by the 13 participating countries, in particular the military commitment of Chad, together with Cameroon, Niger and Nigeria, to the fight against the terrorist threats of Boko Haram; encourages a strengthening of this regional response, using all existing tools and in full compliance with international law; calls on ECOWAS, in particular, to continue to make its new Counter-Terrorism Strategy operational, paying particular attention to the containment of cross-border illicit flows of arms, weapons, fighters and contraband; further insists that without such cooperation the violence is likely to continue, undermining peace and stability across the region; points, in this regard, to the pledge of allegiance made by Boko Haram to Islamic State, and to the necessity of impeding any further coordination or cooperation between the two terrorist organisations and the expansion of this threat;
8. Welcomes the initiatives of the Peace and Security Council of the African Union, and calls on the African Union to engage, as a matter of urgency, in concrete action, together with all the countries involved, to coordinate the fight against terrorist groups in the Sahel region; urges the European Union to support the development of regional mechanisms for conflict management, such as the African Standby Force, as well as the possibility of recourse to the African Peace Facility and EU crisis management tools;
9. Urges the international community to do more to help the Nigerian Government fight Boko Haram and address the root causes of terrorism, as only a global response can ensure a permanent end to violence and fundamentalism;

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10. Calls for the EU and its Member States to fulfil their commitment to providing a comprehensive range of political, development and humanitarian support to Nigeria and its people in tackling the Boko Haram threat and ensuring the development of the country; urges the EU to continue political dialogue with Nigeria under Article 8 of the revised Cotonou Agreement, and in that context to address issues relating to universal human rights, including freedom of thought, conscience, religion or belief, and non-discrimination on any grounds, as enshrined in universal, regional and national human rights instruments;

11. Calls on the international community also to help the Nigerian refugees in neighbouring countries; urges the EU Member States to set up immediately a credible and holistic European system for managing the migration routes from sub-Saharan Africa to the Middle East and northern Africa, to offer sustainable development solutions to countries of origin, such as Nigeria, and to bring an end to the human tragedies taking place on these routes;

12. Urges the EU to investigate the financing of Boko Haram and to address the transparency of trade in all natural resources, including oil, in order to avoid any fuelling of conflicts by any company; calls on the Nigerian authorities and foreign companies to help strengthen governance in the extractives sector by abiding by the Extractive Industries Transparency Initiative and publishing what companies pay to the Nigerian Government;

13. Believes that the Nigerian Government has the right and responsibility to defend its people from terrorism, but insists that such actions must be conducted with respect for human rights and the rule of law;

14. Calls for thorough investigations into allegations of human rights violations, including extrajudicial killings, torture, arbitrary arrest and extortion-related abuses, and believes that such actions cannot be justified as a means of combating the threat posed by Boko Haram or other terrorist organisations; believes that reforms of Nigeria's judicial system are urgently needed in order to provide effective criminal justice with a view to combating terrorism, as are reforms of the Nigerian state security forces;

15. Urges that wounded soldiers receive the appropriate treatment, and that girls and women who are victims of rape in the context of armed conflict be offered the full range of sexual and reproductive health services, in EU-funded humanitarian facilities, in accordance with common Article 3 of the Geneva Conventions, which guarantees all necessary medical care required by the condition of the wounded and sick, without making adverse distinctions;

16. Congratulates General Muhammadu Buhari as the successful presidential candidate for the All Progressives Congress (APC), and all those who have gained seats in the Senate or the House of Representatives, or been voted in as Governors or members of the State Houses of Assembly, from all parties; commends those candidates who have conceded defeat gracefully, starting with the incumbent presidential candidate Goodluck Jonathan, welcomes the continued commitment of all political parties and candidates to peaceful elections and urges them to continue to accept the results without any violence;

17. Congratulates the Nigerian people on their democratic enthusiasm and mobilisation throughout the electoral process, and asks the Nigerian authorities to reinforce good governance and to promote more accountable democratic institutions; believes that the transition of power through the ballot box demonstrates a deepening democracy in Nigeria, which could serve as a model for other African nations;

18. Welcomes the INEC's determination in undertaking a reasonably credible (as far as possible), transparent and fair electoral process despite the internal and external constraints and pressure it faced, and in particular its inclusion of people with disabilities;

19. Encourages victims to address their grievances through official dispute resolution mechanisms, and asks the Nigerian authorities to respond to each of them with a full and credible investigation and redress under the law; asks the EU to support the development of such mechanisms;

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20. Calls on the Nigerian Government to promote women's participation in public and political life;
 21. Reiterates its calls for the abolition of the anti-homosexuality law and of the death penalty;
 22. Asks the Nigerian authorities to take emergency measures in the Niger Delta, including actions to end illegal oil-related activities and to help people exposed to pollution; asks the EU and its Member States to provide technical expertise and resources to assist in restoring the area; asks all companies operating in the region to comply with the highest international standards and to refrain from any action that may take a toll on the environment and on the local communities;
 23. 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 Nigeria, and the representatives of the Economic Community of West African States and the African Union.
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Thursday 30 April 2015

P8_TA(2015)0186

The case of Nadiya Savchenko

European Parliament resolution of 30 April 2015 on the case of Nadiya Savchenko (2015/2663(RSP))

(2016/C 346/16)

The European Parliament,

- having regard to its previous resolutions on Russia and Ukraine, in particular its resolutions of 12 March 2015 on the murder of the Russian opposition leader Boris Nemtsov and the state of democracy in Russia ⁽¹⁾ and of 15 January 2015 on the situation in Ukraine ⁽²⁾,
 - having regard to the statement of 4 March 2015 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the continued detention of Nadiya Savchenko,
 - having regard to the ‘Complex of measures for the implementation of the Minsk Agreements’, adopted and signed in Minsk on 12 February 2015 and endorsed as a whole by UN Security Council Resolution 2202 (2015) of 17 February 2015,
 - having regard to the EU statement of 16 April 2015 on abduction and illegal detention of Ukrainian citizens by the Russian Federation,
 - having regard to the provisions of international humanitarian law and, in particular, the Third Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949,
 - having regard to the joint statement by the President of Ukraine, the President of the European Council and the President of the European Commission as a result of the 17th EU-Ukraine Summit, calling for the urgent release of all hostages and unlawfully detained persons, including Nadiya Savchenko,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the pro-Russian militants of the so-called ‘People’s Republic of Luhansk’ in the territory of eastern Ukraine illegally kidnapped Lieutenant Nadiya Savchenko, military pilot and former officer of the Ukrainian armed forces, on the territory of Ukraine on 18 June 2014, detained her, and then illegally transferred her to the Russian Federation;
- B. whereas Ms Savchenko, born in 1981, has a distinguished military career behind her, having been the only female soldier in the Ukrainian peacekeeping troops in Iraq and the first female to enrol at Ukraine’s Air Force Academy, and volunteered to take part in the fighting in eastern Ukraine as part of the Aidar Battalion, where she was then captured;
- C. whereas the Investigative Committee of Russia brought final charges against Nadiya Savchenko on 24 April 2015 (aiding and abetting the murder of two and more persons, aiding and abetting an attempt on the lives of two and more persons and illegal crossing of the Russian Federation border);
- D. whereas Nadiya Savchenko is a member of the Verkhovna Rada and of Ukraine’s delegation to the Parliamentary Assembly of the Council of Europe (PACE); whereas the PACE Committee on rules of procedure, immunities and institutional affairs has confirmed her immunity; whereas the Russian Federation rejects the diplomatic immunity granted to Nadiya Savchenko as a member of Verkhovna Rada; whereas the international community has undertaken numerous efforts to ensure the release of Nadiya Savchenko, including PACE Resolution 2034 (2015) asking for her immediate release and for her parliamentary immunity as a member of the Ukrainian delegation to PACE to be respected;

⁽¹⁾ Texts adopted, P8_TA(2015)0074.

⁽²⁾ Texts adopted, P8_TA(2015)0011.

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- E. whereas the Russian Federation has agreed to the exchange of all political hostages and illegally detained people under the Minsk Agreements on the basis of the all-for-all principle, which was supposed to be completed no later than on the fifth day following the withdrawal of heavy weapons; whereas Nadiya Savchenko was, on numerous occasions, offered amnesty on the condition that she admitted her guilt;
- F. whereas Nadiya Savchenko has been on hunger strike for over three months in protest against her unlawful detention; whereas she has been subjected to involuntary psychiatric examinations and treatment; whereas Moscow-based courts rejected Nadiya Savchenko's appeals against her pre-trial detention; whereas in the meantime, her state of health has deteriorated; whereas the EU and several Member States have expressed genuine humanitarian concern in this respect; whereas several appeals have been made to the United Nations Human Rights Council and the International Red Cross to secure Nadiya Savchenko's release;
1. Calls for the immediate and unconditional release of Nadiya Savchenko; condemns the Russian Federation for the illegal kidnapping, the detention in prison for nearly one year and the investigation of Nadiya Savchenko; demands that the Russian authorities respect their international commitment in the framework of the Minsk Agreements and in particular the agreed 'Complex of measures for the implementation of the Minsk Agreements'; considers that Russia has no legal basis or jurisdiction to take any action against Nadiya Savchenko, such as detention, investigation or bringing charges against her;
 2. Is of the opinion that Nadiya Savchenko's detention as a prisoner of war in a prison in Russia is a violation of the Geneva Convention; underlines that those responsible for her illegal detention in Russia may face international sanctions or legal proceedings for their actions;
 3. Reminds the Russian authorities that Ms Savchenko remains in an extremely fragile state of health and that they are directly responsible for her safety and well-being; calls on the Russian authorities to allow impartial international doctors access to Ms Savchenko, while ensuring that any medical or psychological examinations are done only with Ms Savchenko's consent and taking into consideration the consequences of her being on hunger strike for a very long period; calls on Russia to allow international humanitarian organisations to have permanent access to her;
 4. Calls for the immediate release of all other Ukrainian citizens, including Ukrainian film director Oleg Sentsov and Khaizer Dzhemilev, illegally detained in Russia;
 5. Urges the President of France and the Chancellor of Germany, as well as the relevant Foreign Ministers, to raise the question of the release of Nadiya Savchenko at the next meetings of the Contact Group on the implementation of the Minsk Agreements in the Normandy format; calls on the VP/HR, the Commission and the European External Action Service (EEAS) to continue to follow closely the case of Nadiya Savchenko, to raise it in different formats and meetings with the Russian authorities, and to keep Parliament informed about the outcome of these efforts;
 6. Points out that the release of Nadiya Savchenko is not only a necessary step towards improvement of the relations between Ukraine and Russia, but will show respect for recognition of fundamental human rights on the part of the Russian authorities;
 7. Recalls that Nadiya Savchenko was elected as a member of the Ukrainian Parliament in the October 2014 Ukrainian general parliamentary election and is part of Ukraine's delegation to PACE, and as such has been granted international immunity; reminds Russia of its international obligation to respect her immunity as a member of PACE;
 8. 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 President, Government and Parliament of the Russian Federation, the President, Government and Parliament of Ukraine and the Chairman of the Parliamentary Assembly of the Council of Europe.
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P8_TA(2015)0187

The situation of the Yarmouk refugee camp in Syria**European Parliament resolution of 30 April 2015 on the situation of the Yarmouk refugee camp in Syria (2015/2664(RSP))**

(2016/C 346/17)

The European Parliament,

- having regard to international humanitarian law,
 - having regard to its previous resolutions on Syria,
 - having regard to the statement of 10 April 2015 by the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy (VP/HR) and the Commissioner for Humanitarian Aid and Crisis Management on the situation in Yarmouk, Syria,
 - having regard to the declaration of 18 April 2015 by the VP/HR on behalf of the European Union on the situation in the Yarmouk Palestinian refugee camp in Syria,
 - having regard to UN Security Council resolutions 2139 (2014), 2165 (2014) and 2191(2014),
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas IS/Da'esh attacked the Palestinian refugee camp in Yarmouk on 1 April 2015; whereas the Assad regime continued the shelling and aerial bombardment of the camp in response to the IS attack and intensive street battles between anti-Assad armed opposition groups, Aknaf Bait al-Makdis on the one hand and IS/Da'esh and Jabhat al-Nusra on the other occurred throughout the camp; whereas on 16 April 2015 Palestinian military units, with the assistance of Syrian rebels, forced IS/Da'esh fighters to retreat from the camp; whereas IS/Da'esh's withdrawal leaves al-Qaeda affiliate Jabhat al-Nusra largely in control of the camp;
- B. whereas Yarmouk, the largest Palestinian refugee camp in Syria, formed in 1957 to accommodate people fleeing the Arab-Israeli conflict, has been engulfed in fighting between the Syrian government and armed groups such as Jabhat al-Nusra and the Free Syrian Army; whereas before the Syrian conflict more than 160 000 civilians lived in the camp, while today only 18 000 remain;
- C. whereas the 480 000 Palestinian refugees remain a particularly vulnerable group in the crisis in Syria; whereas they are scattered in over 60 camps throughout the region; whereas 95 % of Palestinian refugees currently rely on the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) to meet their daily food, water and healthcare needs;
- D. whereas the civilian population in the Yarmouk camp have been besieged since December 2012 and subjected to indiscriminate bombing and shelling by the Assad regime, and continue to be trapped inside the camp; whereas, according to UNRWA, 18 000 Palestinian and Syrian civilians in Yarmouk, including 3 500 children, are in need of the most basic humanitarian aid;
- E. whereas there is a permanent health crisis in the camp, with a typhoid epidemic having occurred in 2014 and Hepatitis A and water-related illnesses being endemic, as well as malnutrition, with all the known consequences;

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- F. whereas the UN Security Council has called on all parties to the Syrian civil war to permit humanitarian access to the Yarmouk camp and allow humanitarian aid to reach it without obstruction;
- G. whereas the Commission has released immediate emergency funding of EUR 2,5 million for UNRWA's operations to deliver life-saving assistance to Palestinian refugees in Syria through cash and emergency relief items;
- H. whereas in addition, and as part of the EU's 2015 humanitarian funding for Syria, support will facilitate a rapid humanitarian response to meet the needs of vulnerable families; whereas this funding extends to all parts of Syria affected by the conflict, with specific focus on the recent violence in Yarmouk, Idlib, Dara'a and Aleppo;
- I. whereas the ongoing denial of humanitarian access to the refugees living in the Yarmouk camp by the Syrian regime and other belligerents is against international humanitarian law; whereas the capacity of UNRWA to sustain life-saving emergency interventions, responding to urgent developments such as that impacting Yarmouk, is gravely undermined by chronic underfunding for humanitarian interventions inside Syria;
1. Expresses its deep concern at the continued deterioration of the security and humanitarian situation in Syria, and in particular in the Yarmouk Palestinian refugee camp and other Palestinian camps; reiterates its strong commitment to supporting the victims of the Syrian conflict;
 2. Condemns the takeover of the Yarmouk camp and the acts of terrorism perpetrated by IS/Da'esh and Jabhat al-Nusra, as well as the siege laid to Yarmouk by the Assad regime and the bombardment of the camp, including through barrel bombs, which cause horrific suffering to the affected population; calls for an immediate lifting of the siege and an end to all attacks on the civilian population;
 3. Expresses its concern regarding all human rights defenders detained in the Yarmouk camp and those currently held in custody by the Syrian security forces; calls on all armed groups in the Yarmouk camp to end their targeting of human rights defenders;
 4. Urges respect for the neutral status of Yarmouk and the protection of the civilians inside the camp, particularly women and children, as well as the safeguarding of medical facilities, schools and places of refuge;
 5. Stresses that the ongoing war in Syria and the threat posed by IS/Da'esh constitute a serious danger to the people of Syria and to the broader Middle East; calls for the EU to contribute to joint efforts to mitigate the humanitarian crisis and play a role in helping neighbouring countries provide shelter for refugees fleeing the conflict in Syria, many of whom are losing their lives on boats in the Mediterranean;
 6. Calls for the implementation of UN Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014) throughout the territory of Syria; urges all parties involved in the conflict to allow UNRWA, ICRC and other international aid organisations unhindered access to the Yarmouk refugee camp, to enable immediate and unconditional humanitarian access, to evacuate wounded civilians and provide safe passage for all civilians wishing to leave the camp; calls for the establishment of humanitarian corridors that are controlled neither by the Syrian regime nor by IS/Da'esh and Jabhat al-Nusra, in light of their gross and continuous violations of international humanitarian law;
 7. Welcomes the release by the Commission of immediate emergency funding to the sum of EUR 2,5 million for UNRWA's operations to deliver life-saving assistance to Palestinian refugees in Syria; commends UNRWA for the important work it is doing and expresses its strong commitment to continuing to work together with UNRWA Commissioner-General Pierre Krähenbühl and all other partners to help alleviate the suffering of those in greatest need; stresses the need for the EU

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and its Member States to increase their support for UNRWA for the emergency relief effort for civilians in Yarmouk and other parts of Syria, ensuring that all Palestine refugees, host communities and others have the assistance they need; urges the EU to participate in the funding of the USD 30 million UNRWA emergency appeal and to provide diplomatic and political support for UNRWA;

8. Strongly condemns the abuses against children, massacres, torture, killings and sexual violence to which the Syrian population is victim; stresses the importance of taking appropriate steps to ensure the safety of innocent civilians, including women and children; acknowledges that women and girls are frequent victims of war rape in the Syrian conflict, including in regime prisons; underlines the Geneva Conventions' common Article 3 guaranteeing the wounded and sick all the necessary medical care required by their condition without adverse distinction; urges humanitarian aid providers to provide the full range of health services in EU-funded humanitarian facilities;

9. Expresses its full support for the efforts of UN Special Envoy to Syria Staffan de Mistura in aiming for local ceasefires and the implementation of humanitarian pauses by all sides to allow the delivery of humanitarian assistance; reiterates its calls on the EU to take the initiative for diplomatic efforts to that end;

10. Reiterates its call for a sustainable solution to the Syrian conflict through an inclusive and Syrian-led political process on the basis of the Geneva communiqué of June 2012, leading to a genuine political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their own future; welcomes the announcement that renewed Geneva talks will be held in May between the Assad regime, the opposition, UNSC members and regional powers including Iran;

11. Remains convinced that there can be no sustainable peace in Syria without accountability for the crimes committed by all sides during the conflict, including in relation to the Yarmouk camp; reiterates its call for the referral of the situation in Syria to the International Criminal Court; calls on the EU and its Member States to seriously consider the recent recommendation by the UN Commission of Inquiry to explore the setting-up of a special tribunal for the crimes committed in Syria;

12. Believes Parliament must carry out an ad hoc visit to the Yarmouk refugee camp in order to independently assess the humanitarian situation, as soon as security conditions allow, in coordination with the UN and independently of the Assad regime or any other party to the conflict;

13. 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 Secretary-General of the United Nations, the UN-Arab League Special Envoy to Syria, the Secretary-General of the Cooperation Council for the Arab States of the Gulf, the President of the Palestinian Authority, the Palestinian Legislative Council and all the parties involved in the conflict in Syria.

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P8_TA(2015)0188

Imprisonment of human and workers' rights activists in Algeria

European Parliament resolution of 30 April 2015 on the imprisonment of workers and human rights activists in Algeria (2015/2665(RSP))

(2016/C 346/18)

The European Parliament,

- having regard to its previous resolutions on Algeria, in particular those of 9 June 2005 concerning freedom of the press in Algeria ⁽¹⁾ and of 10 October 2002 on the conclusion of an association agreement with Algeria ⁽²⁾,
- having regard to its resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter ⁽³⁾, and to its resolution of 23 October 2013 on 'The European Neighbourhood Policy, working towards a stronger partnership: EP's position on the 2012 progress reports' ⁽⁴⁾,
- having regard to the Foreign Affairs Council conclusions of 20 April 2015 on the review of the European Neighbourhood Policy,
- having regard to the statement of the European Union of 13 May 2014 following the eighth meeting of the EU-Algeria Association Council,
- having regard to the Joint Communication of 15 May 2012 of the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Delivering on a new European Neighbourhood Policy' (JOIN(2012)0014),
- having regard to the Commission's 2013 European Neighbourhood Policy (ENP) memo of March 2014 on Algeria,
- having regard to the Declaration of June 2011 of the European Council on the Southern Neighbourhood,
- having regard to the statement by the UN High Commissioner for Human Rights, Navi Pillay, during her visit to Algeria in September 2012,
- having regard to the EU-Algeria Association Agreement, which entered into force on 1 September 2005,
- having regard to Article 2 of the abovementioned Association Agreement, which stipulates that respect for democratic principles and fundamental human rights is to inspire the domestic and international policies of the parties to it and shall constitute an essential element of that Agreement,
- having regard to the Constitution of Algeria, adopted by referendum on 28 November 1996, and in particular Articles 34-36, 39, 41 and 43 thereof,
- having regard to the final report of 5 August 2012 released by the EU Election Observation Mission to the parliamentary elections in Algeria,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, to which Algeria is a party,

⁽¹⁾ OJ C 124 E, 25.5.2006, p. 567.

⁽²⁾ OJ C 279 E, 20.11.2003, p. 115.

⁽³⁾ Texts adopted, P8_TA(2015)0076.

⁽⁴⁾ Texts adopted, P7_TA(2013)0446.

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- having regard to International Labour Organisation (ILO) Convention No 87 on Freedom of Association and Protection of the Right to Organise of 1948 and ILO Convention No 98 on the Right to Organise and Collective Bargaining of 1949,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas protests against unemployment have recently taken place in Algeria; whereas the Algerian authorities acknowledge that demonstrators' demands are legitimate; whereas, nonetheless, in the past four years, and with renewed intensity since the beginning of 2015, human rights defenders, including labour rights activists, especially in the southern regions of Algeria, have been threatened, verbally abused and subjected to ill-treatment and judicial harassment against a backdrop of escalating economic, social and environmental protests;
- B. whereas Mohamed Rag, a labour rights activist from the National Committee for the Defence of the Rights of the Unemployed (*Comité National pour la Défense des Droits des Chômeurs*, CNDDC) in the town of Laghouat, was arrested on 22 January 2015 and sentenced to 18 months in prison and a fine of DZD 20 000 for 'assaulting a security force agent in the exercise of his duties', and whereas his sentence was confirmed upon appeal on 18 March 2015;
- C. whereas on 28 January 2015 in the town of Laghouat, eight labour rights activists, members of the CNDDC — Khencha Belkacem, Brahim Belelmi, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader — were arrested when they assembled in front of the city court to demand that Mohamed Rag be released; whereas these eight activists were subsequently sentenced last March to one year in prison with a 6-month suspended sentence and a fine of DZD 5 000 each for 'unauthorised/illegal gathering' and 'exercising pressure on the decisions of magistrates';
- D. whereas, in Laghouat, during the hearing of the abovementioned CNDDC activists, held on 11 March 2015, an unusually high number of police officers were deployed, thereby preventing the public and the witnesses for the defence from entering the courtroom, and whereas outside the courtroom the police arrested and subsequently released almost 50 peaceful demonstrators who were expressing their solidarity with the nine prisoners;
- E. whereas, although the state of emergency was lifted in February 2011 in response to the wave of pro-democracy mass protests, restrictions, in law and in practice, on peaceful assemblies have remained in place, in particular a decree dated 18 June 2001 which continues to prohibit public demonstrations in the city of Algiers, and Law 91-19 of 2 December 1991 on public meetings and demonstrations, which makes any public event subject to prior authorisation; whereas the Interior Ministry rarely authorises public gatherings;
- F. whereas anyone taking part in unauthorised demonstrations can be prosecuted and risks a prison sentence ranging from two months to five years, according to Articles 99 and 100 of the Algerian Penal Code; whereas in January 2014 — the closing date for the registration of new associations — all associations that were not accepted were made illegal; whereas peaceful protests forcibly dispersed by police, sometimes violently, and peaceful protesters may be arrested in advance of demonstrations to prevent them from taking place;
- G. whereas in 2014 the Algerian Government introduced pro-democratic constitutional revisions and promised further reforms to protect human rights and fundamental freedoms; whereas the implementation of those reforms has so far been unsatisfactory;
- H. whereas in March 2015 four other labour rights activists, Rachid Aouine, Youssef Sultani, Abdelhamid Brahim and Ferhat Missa, members of the CNDDC in the town of El Oued, were arrested and charged for instigating a gathering; whereas two of them were acquitted, but Rachid Aouine was sentenced and Youssef Sultani is free facing trial;

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- I. whereas in January 2012 a new law on associations (12-06) entered into force, which imposes restrictions on non-governmental organisations and civil society groups as regards their creation, functioning, registration and access to foreign funding; whereas it also criminalises members of unregistered, suspended and dissolved associations, who can be subject to six months' imprisonment and a heavy fine, thereby impeding freedom of association;
- J. whereas, although Law 90-14 of 2 June 1990 on the conditions for exercising trade-union rights allows workers to form unions without seeking permission by notifying the authorities in writing, the authorities have refused in several cases to issue a receipt, without which the union cannot legally represent workers;
- K. whereas Algeria, which is under examination for its application of ILO Convention 87 in June 2014, has been scrutinised by ILO experts in several of their reports for violating workers' rights to strike and to form unions of their own choosing;
- L. whereas negotiations on the Action Plan between the EU and Algeria in the framework of the ENP started in 2012; whereas, while recognising the interest of both sides in strengthening dialogue and cooperation on security and regional issues, in March 2014 the Commission nevertheless expressed concerns at the lack of judicial independence and the deterioration of the situation with respect to freedom of association, assembly and expression in Algeria;
- M. whereas Algeria has been a member of the Human Rights Council of the United Nations since January 2014;
 1. Expresses its concern at the arrest and detention of activists Rachid Aouine, Mohamed Rag, Khencha Belkacem, Brahimi Belelmi, Mazouzi Benallal, Azzouzi Boubakeur, Korini Belkacem, Bekouider Faouzi, Bensarkha Tahar and Djaballah Abdelkader, as they are being detained in spite of the fact that their activities are fully permissible under Algerian law and in line with the international human rights instruments which Algeria has ratified;
 2. Recalls that Algeria is bound by Article 2 of the Association Agreement, which stipulates that an essential element thereof is respect for democratic principles and fundamental human rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, and that Algeria therefore has an obligation to respect universal human rights, including freedom of assembly and association;
 3. Considers that harassment and intimidation of labour rights activists and human rights defenders, including at judicial level, is not a practice in accordance with the provisions of the United Nations Declaration on Human Rights Defenders;
 4. Considers that a right to a fair trial and ensuring a minimum guarantee for the rights of the defence for all detainees, including human rights defenders and labour rights activists, is in compliance with Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Algeria;
 5. Calls also on the Algerian authorities to ensure and guarantee the right to freedom of expression, association and peaceful assembly, and to take appropriate steps to ensure the safety and security of civil society activists and human rights defenders and their freedom to pursue their legitimate and peaceful activities;
 6. Recalls the recommendation to the Algerian Government by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to revoke the decree of 18 June 2001 banning peaceful protests and all forms of public demonstration in Algiers and to establish a system of simple notification rather than prior authorisation for public demonstrations;

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7. Calls on the Algerian authorities to repeal Law 12-06 on associations and to engage in a genuine dialogue with civil society organisations in order to frame a new law that is in conformity with international human rights standards and the Algerian Constitution;
 8. Welcomes the fact that since 2012, twelve trade union organisations have received their licences; recalls that administrative manoeuvres must not be designed to withhold legal status from independent unions that attempt to operate outside the existing trade union organisation; calls on the Algerian authorities to allow new trade unions to register legally and to comply with the conventions implemented by the ILO that have been ratified by Algeria, particularly Convention No 87 on Freedom of Association and Protection of the Right to Organise and Convention No 98 on the Right to Organise and Collective Bargaining;
 9. Appreciates that Algeria has ratified most of the international human rights treaties; encourages increased engagement and improved cooperation by the Algerian authorities with the United Nations, in particular the International Labour Organisation and the Office of the High Commissioner for Human Rights; calls on the Algerian authorities to cooperate with UN special procedures, including by inviting special rapporteurs to visit, and to take into consideration their recommendations; also calls on Algeria to actively cooperate with the African Union human rights mechanisms, notably the Special Rapporteur on Human Rights Defenders;
 10. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) and the EU Member States to ensure that there is a clear and principled EU policy vis-à-vis Algeria that includes a human rights dialogue, in line with the EU Strategic Framework on Human Rights and Democracy; calls on the VP/HR and the Member States to ensure that a political, security and human rights dialogue with Algeria is given substance in all three dimensions and calls, therefore, on the European External Action Service (EEAS) to set up clear benchmarks and indicators to monitor EU objectives and assess progress in the fields of human rights, impunity, the freedoms of association, assembly, and expression, the rule of law and the situation of human rights defenders in Algeria;
 11. Urges the Algerian authorities, the VP/HR and the EEAS to include a strong chapter on human rights in the future EU-Algeria Action Plan, which expresses a firm political will to jointly advance *de jure* and *de facto* the promotion and protection of human rights in line with the Algerian Constitution and the international human rights treaties and the African regional human rights instruments to which Algeria is a party; takes the view that specific human rights objectives should be adopted in the EU Algeria Action Plan, combined with a schedule for reforms to be undertaken by Algeria, with the meaningful involvement of independent civil society; calls for indicators for an objective and regular assessment of the human rights situation in Algeria to be defined;
 12. Calls on the EEAS and the Member States to monitor closely all trials and judicial proceedings against human rights defenders and labour rights activists through the presence of representatives of the EU delegation and the embassies of the Member States in Algiers and to report on the matter to Parliament;
 13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the EU Delegation in Algiers, the Government of Algeria, the UN Secretary-General and the UN Human Rights Council.
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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2015)0096

Scrutiny of the declarations of financial interests of Commissioners-designate (interpretation of paragraph 1(a) of Annex XVI to the Rules of Procedure)

European Parliament decision of 28 April 2015 concerning the scrutiny of the declarations of financial interests of Commissioners-designate (interpretation of paragraph 1(a) of Annex XVI to the Rules of Procedure) (2015/2047(REG))

(2016/C 346/19)

The European Parliament,

- having regard to the letter of 9 April 2015 from the Chair of the Committee on Constitutional Affairs,
- having regard to Rule 226 of its Rules of Procedure,

1. Decides to append the following interpretation to paragraph 1(a) of Annex XVI to the Rules of Procedure:

‘Scrutiny of the declaration of financial interests of a Commissioner-designate by the committee responsible for legal affairs consists not only in verifying that the declaration has been duly completed but also in assessing whether a conflict of interests may be inferred from the content of the declaration. It is then for the committee responsible for the hearing to decide whether or not it requires further information from the Commissioner-designate.’

2. Instructs its President to forward this decision to the Council and the Commission, for information.

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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2015)0097

International Convention on standards for fishing vessel personnel ***

European Parliament legislative resolution of 28 April 2015 on the draft Council decision authorising Member States to become party, in the interest of the European Union, to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, of the International Maritime Organization (15528/2014 — C8-0295/2014 — 2013/0285(NLE))

(Consent)

(2016/C 346/20)

The European Parliament,

- having regard to the draft Council decision (15528/2014),
 - having regard to the request for consent submitted by the Council in accordance with Article 46, Article 53(1), and Article 62 and with Article 218(6), second subparagraph, point (a)(v), and Article 218(8), first subparagraph, of the Treaty on the Functioning of the European Union (C8-0295/2014),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Employment and Social Affairs (A8-0064/2015),
1. Gives its consent to the draft Council decision;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

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P8_TA(2015)0098

Draft amending budget No 2/2015: Revision of the MFF for 2014-2020

European Parliament resolution of 28 April 2015 on the Council position on Draft amending budget No 2/2015 of the European Union for the financial year 2015, Section III — Commission (07660/2015 — C8-0098/2015 — 2015/2013(BUD))

(2016/C 346/21)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾, and in particular Article 41 thereof,
- having regard to the general budget of the European Union for the financial year 2015, as definitively adopted on 17 December 2014 ⁽²⁾,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽³⁾ (MFF Regulation),
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁴⁾,
- having regard to Draft amending budget No 2/2015, which the Commission adopted on 20 January 2015 (COM(2015) 0016),
- having regard to the position on Draft amending budget No 2/2015 which the Council adopted on 21 April 2015 and forwarded to Parliament on 22 April 2015 (07660/2015),
- having regard to Council Regulation (EU, Euratom) 2015/623 of 21 April 2015 amending Regulation (EU, Euratom) No 1311/2013 laying down the multiannual financial framework for the years 2014-2020 ⁽⁵⁾,
- having regard to Rules 88 and 91 of its Rules of Procedure,
- having regard to the report of the Committee on Budgets and the opinion of the Committee on Regional Development (A8-0138/2015),

A. whereas Draft amending budget No 2/2015 relates to the proposal for a Council regulation amending the MFF Regulation (COM(2015)0015) as provided for in its Article 19;

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 69, 13.3.2015.

⁽³⁾ OJ L 347, 20.12.2013, p. 884.

⁽⁴⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁵⁾ OJ L 103, 22.4.2015, p. 1.

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- B. whereas Article 19 of the MFF Regulation provides for a revision of the multiannual financial framework in the case of late adoption of rules or programmes under shared management to transfer allocations not used in 2014 to subsequent years, in excess of the corresponding expenditure ceilings;
- C. whereas commitment appropriations for programmes under shared management within the meaning of Article 19 of the MFF Regulation lapsed in 2014 for an amount of EUR 21 043 639 478 in current prices which corresponds to the 2014 tranches of programmes that could neither be committed in 2014 nor carried over to 2015;
- D. whereas Draft amending budget No 2/2015 provides for the transfer of the largest share of those allocations to the 2015 budget with smaller transfers to be integrated into the draft budgets for the years 2016 and 2017;
- E. whereas Draft amending budget No 2/2015 proposes a EUR 16 476,4 million increase in commitment appropriations in 2015 for the various funds under shared management under sub-heading 1b, heading 2 and heading 3;
- F. whereas Draft amending budget No 2/2015 also proposes an increase of EUR 2,5 million for the Instrument for Pre-accession Assistance (IPA II) under heading 4, to preserve similar treatment between contributions from heading 4 and subheading 1b to the European Regional Development Fund (ERDF) — European territorial cooperation (ETC) programmes;
1. Notes Draft amending budget No 2/2015, as submitted by the Commission, and the Council's position thereon;
 2. Recalls that such a revision of the MFF Regulation is a standard procedure at the beginning of each MFF period and that the corresponding Draft amending budget needs to be aligned to this revision;
 3. Recalls that it is vital for European citizens and for the economies in all Member States that the unused appropriations for the year 2014 can be transferred to subsequent years in order to contribute to the creation of jobs and growth;
 4. Welcomes the fact that the unused appropriations for the year 2014 were transferred, to the maximum extent possible, to the financial year 2015 as this will avoid unfair treatment of certain Member States, regions and operational programmes, accelerate the implementation and delivery of Cohesion policy and help avoid the concentration of payments at the end of the MFF period;
 5. Is concerned however about the long-term impact this one-year postponement will have on the overall situation on payments; calls therefore on the Commission to monitor the implementation closely and to do its utmost to avoid the snowball effect of unpaid bills by presenting adequate proposals to adjust the annual levels of payment appropriations should the need arise, in line with the relevant provisions of the MFF Regulation;
 6. Draws attention to the fact that the decision to transfer most of the unused appropriations from 2014 to 2015 may require a flexible approach from the Commission in order to address possible difficulties resulting from an uneven financial profile, which could lead to unused commitments in the period 2014-2020; calls on the Commission to propose adequate measures, in case such a situation might arise, based on similar past experience that took into account the late approval of programmes;
 7. Underlines the need to agree on this Draft amending budget in due time in order to allow for a swift adoption of all programmes concerned;
 8. Approves the Council position on Draft amending budget No 2/2015;
 9. Instructs its President to declare that Amending budget No 1/2015 has been definitively adopted and arrange for its publication in the Official Journal of the European Union;
 10. Instructs its President to forward this resolution to the Council, the Commission, the Court of Auditors, the Committee of the Regions and the national parliaments.
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P8_TA(2015)0099

Deployment of the eCall in-vehicle system ***II

European Parliament legislative resolution of 28 April 2015 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 type-approval requirements for the deployment of the eCall in-vehicle system based on the 112 service and amending Directive 2007/46/EC (05130/3/2015 — C8-0063/2015 — 2013/0165(COD))

(Ordinary legislative procedure: second reading)

(2016/C 346/22)

The European Parliament,

- having regard to the Council position at first reading (05130/3/2015 — C8-0063/2015),
 - having regard to the opinion of the European Economic and Social Committee of 19 September 2013 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2013) 0316),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Internal Market and Consumer Protection (A8-0053/2015),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 341, 21.11.2013, p. 47.

⁽²⁾ Texts adopted of 26.2.2014, P7_TA(2014)0154.

Tuesday 28 April 2015

P8_TA(2015)0100

Fuel quality directive and renewable energy directive *II**

European Parliament legislative resolution of 28 April 2015 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (10710/2/2014 — C8-0004/2015 — 2012/0288(COD))

(Ordinary legislative procedure: second reading)

(2016/C 346/23)

The European Parliament,

- having regard to the Council position at first reading (10710/2/2014 — C8-0004/2015),
 - having regard to the opinion of the European Economic and Social Committee of 17 April 2013 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2012) 0595),
 - having regard to the undertaking given by the Council representative by letter of 1 April 2015 to approve Parliament's position at second reading, in accordance with Article 294(8)(a) of the Treaty on the Functioning of the European Union,
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 69 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0025/2015),
1. Adopts its position at second reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC2-COD(2012)0288

Position of the European Parliament adopted at second reading on 28 April 2015 with a view to the adoption of Directive (EU) 2015/... of the European Parliament and of the Council amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2015/1513.)

⁽¹⁾ OJ C 198, 10.7.2013, p. 56.

⁽²⁾ Texts adopted of 11 September 2013, P7_TA(2013)0357.

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P8_TA(2015)0101

Reducing the consumption of lightweight plastic carrier bags ***II

European Parliament legislative resolution of 28 April 2015 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (05094/1/2015 — C8-0064/2015 — 2013/0371(COD))

(Ordinary legislative procedure: second reading)

(2016/C 346/24)

The European Parliament,

- having regard to the Council position at first reading (05094/1/2015 — C8-0064/2015),
 - having regard to the opinion of the European Economic and Social Committee of 26 February 2014 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 3 April 2014 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2013) 0761),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0130/2015),
1. Approves the Council position at first reading;
 2. Approves its statement annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement of the European Parliament

The European Parliament notes the statement made by the Commission on the adoption of the agreement amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags.

As the Commission stated in its Explanatory Memorandum, its original proposal aimed to 'limit negative impacts on the environment, in particular in terms of littering, to encourage waste prevention and a more efficient use of resources, while limiting negative socio-economic impacts. More specifically, the proposal aims at reducing the consumption of plastic carrier bags with a thickness of below 50 microns (0,05 millimetres) in the European Union.'

⁽¹⁾ OJ C 214, 8.7.2014, p. 40.

⁽²⁾ OJ C 174, 7.6.2014, p. 43.

⁽³⁾ Texts adopted of 16.4.2014, P7_TA(2014)0417.

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The European Parliament considers that the text agreed by the co-legislators is fully in line with the aims of the Commission proposal.

The Commission concluded in its impact assessment that *'the option that combines an EU-wide prevention target with an explicit recommendation to use a pricing measure and the possibility for Member States to apply market restrictions by way of derogation of Article 18 [...] has the highest potential to deliver ambitious environmental results, while achieving positive economic impacts, limiting negative effects on employment, ensuring public acceptance, and contributing to wider awareness on sustainable consumption'*.

The European Parliament considers that the final text agreed is based on the preferred option identified in the Commission's own impact assessment, and establishes appropriate provisions for Member States to ensure effective reduction of the consumption of plastic bags across the Union.

The European Parliament recalls furthermore that according to paragraph 30 of the Inter-institutional agreement on better law-making of 2003, it is within the discretion of the co-legislators to decide whether an impact assessment should be carried out prior to the adoption of any substantive amendment.

The European Parliament recalls that according to Article 13 (2) TEU *'institutions shall practice mutual sincere cooperation.'* The Parliament appreciates the efforts made by the Commission in order to conclude the inter-institutional negotiations. It deplores, however, the fact that the Commission's declaration addresses issues that have already been dealt with adequately during the legislative procedure.

Finally, the Parliament recalls that the Commission, as guardian of the Treaties, is fully responsible for the correct application of Union law by the Member States.

Tuesday 28 April 2015

P8_TA(2015)0102

Carbon dioxide emissions from maritime transport *II**

European Parliament legislative resolution of 28 April 2015 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 the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (17086/1/2014 — C8-0072/2015 — 2013/0224(COD))

(Ordinary legislative procedure: second reading)

(2016/C 346/25)

The European Parliament,

- having regard to the Council position at first reading (17086/1/2014 — C8-0072/2015),
 - having regard to the opinion of the European Economic and Social Committee of 16 October 2013 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2013) 0480),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0122/2015),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 67, 6.3.2014, p. 70.

⁽²⁾ Texts adopted of 16 April 2014, P7_TA(2014)0424.

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P8_TA(2015)0103

European statistics *II****European Parliament legislative resolution of 28 April 2015 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics (05161/2/2015 — C8-0073/2015 — 2012/0084(COD))****(Ordinary legislative procedure: second reading)**

(2016/C 346/26)

The European Parliament,

- having regard to the Council position at first reading (05161/2/2015 — C8-0073/2015),
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Spanish Congress of Deputies and the Spanish Senate and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Central Bank of 6 November 2012 ⁽¹⁾,
 - having regard to its position at first reading ⁽²⁾ on the Commission proposal to Parliament and the Council (COM(2012) 0167),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 76 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Economic and Monetary Affairs (A8-0137/2015),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 374, 4.12.2012, p. 2.

⁽²⁾ Texts adopted of 21.11.2013, P7_TA(2013)0505.

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P8_TA(2015)0104

Multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks ***I

Amendments adopted by the European Parliament on 28 April 2015 on the proposal for a regulation of the European Parliament and of the Council establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (COM(2014)0614 — C8-0174/2014 — 2014/0285(COD))⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 346/27)

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

- (1) The United Nations Convention of 10 December 1982 on the Law of the Sea⁽¹⁶⁾, to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring populations of harvested species at levels which can produce the maximum sustainable yield.

⁽¹⁶⁾ OJ L 179, 23.6.1998, p. 3

Amendment

- (1) The United Nations Convention of 10 December 1982 on the Law of the Sea⁽¹⁶⁾, to which the Union is a contracting party, provides for conservation obligations, including the maintaining or restoring populations of harvested species at levels which can produce the maximum sustainable yield, **as qualified by relevant environmental and economic factors.**

⁽¹⁶⁾ OJ L 179, 23.6.1998, p. 3.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council establishes the rules of the common fisheries policy ('CFP') in line with the international obligations of the Union. The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are **environmentally** sustainable in the long-term, **to apply** the precautionary approach **to fisheries management**, and **to implement** the ecosystem-based approach to fisheries management.

Amendment

- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council establishes the rules of the common fisheries policy ('CFP') in line with the international obligations of the Union. The objectives of the CFP are, amongst others, to ensure that fishing and aquaculture are sustainable **from a socio-economic and environmental point of view** in the long term, **in keeping with a balanced application of** the precautionary approach and **of** the ecosystem-based approach to fisheries management.

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0128/2015).

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Amendment 3
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *The multi-species management plan established by this Regulation requires greater account to be taken of the different ecological roles and functions of the species covered by the plan. Since the various species interact to a great extent, catches cannot be sustainably maximised for all species simultaneously and decisions are needed about which species should be prioritised.*

Amendment 4
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *The Council and the European Parliament should take into account the latest recommendations and reports from ICES as regards maximum sustainable yield to ensure that this Regulation is as up-to-date as possible.*

Amendment 5
Proposal for a regulation
Recital 7 c (new)

Text proposed by the Commission

Amendment

- (7c) *In accordance with Directive 2008/56/EC of the European Parliament and of the Council^(1bis) (herein-after the 'Marine Strategy Framework Directive'), natural size and age distributions of commercial fish stocks are important indicators for achieving good ecological status of the marine environment.*

^(1bis) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

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Amendment 6
Proposal for a regulation
Recital 8

Text proposed by the Commission

- (8) **It is appropriate** to establish a multi-species fisheries plan taking into account the dynamics between the stocks of cod, herring and sprat, and also considering the by-catch species of the fisheries for these stocks, namely the Baltic stocks of plaice, brill, flounder and turbot. The objective of this plan should be to **aim at achieving and maintaining maximum** sustainable yields for the stocks concerned.

Amendment

- (8) **The ultimate goal is** to establish a multi-species fisheries plan taking into account the dynamics between the stocks of cod, herring and sprat, and also considering the by-catch species of the fisheries for these stocks, namely the Baltic stocks of plaice, brill, flounder and turbot. The objective of this plan should be to **re-establish, achieve and maintain populations of the species concerned above the levels that are capable of producing** sustainable yields for the stocks concerned, **minimising as far as possible the impact on other species, such as seabirds, and on the wider marine environment, in accordance with Article 2(2) of Regulation (EU) No 1380/2013.**

Amendment 7
Proposal for a regulation
Recital 9

Text proposed by the Commission

- (9) The exploitation of cod and pelagic stocks should not jeopardise the sustainability of the stocks taken as by-catches in these fisheries, namely the Baltic stocks of plaice, brill, flounder and turbot. Therefore, the plan should also aim at ensuring the conservation of these by-catch stocks above biomass levels corresponding to precautionary approach.

Amendment

- (9) The exploitation of cod and pelagic stocks should not jeopardise the sustainability of the stocks taken as by-catches in these fisheries, namely the Baltic stocks of plaice, brill, flounder and turbot. Therefore, the plan should also aim at ensuring the conservation of these by-catch stocks above biomass levels corresponding to **a precautionary and ecosystem-based approach to fisheries management, capable of producing maximum sustainable yield.**

Amendment 8
Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

- (9a) **Regulation (EU) No 1380/2013 further aims to gradually eliminate discards, taking into account the best scientific advice, by avoiding and reducing unwanted catches. This aim can be achieved by improving the selectivity of fishing gears and practices.**

Amendment

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Amendment 9**Proposal for a regulation****Recital 11***Text proposed by the Commission*

- (11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multiannual plans.

Amendment

- (11) Article 16(4) of Regulation (EU) No 1380/2013 requires that fishing opportunities be fixed in accordance with the targets set out in the multiannual plans. **The levels to be achieved in terms of mortality by fishery and biomass ought to take account of the most up-to-date scientific advice.**

Amendment 10**Proposal for a regulation****Recital 12***Text proposed by the Commission*

- (12) These targets should therefore be established and expressed in terms of fishing mortality rates, based on scientific advice ⁽¹⁹⁾.

⁽¹⁹⁾ ICES technical services, September 2014 http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/Special%20Requests/EU_Fmsy_range_for_Baltic_cod_and_pelagic_stocks.pdf

Amendment

- (12) These targets should therefore be established and expressed in terms of fishing mortality rates, based on scientific advice ⁽¹⁹⁾, **that restore and maintain populations of harvested species above levels which can produce maximum sustainable yield. The maximum sustainable yield exploitation rate should be the upper limit for exploitation.**

⁽¹⁹⁾ ICES technical services, September 2014 http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/Special%20Requests/EU_Fmsy_range_for_Baltic_cod_and_pelagic_stocks.pdf

Amendment 11**Proposal for a regulation****Recital 13***Text proposed by the Commission*

- (13) It is necessary to establish conservation reference points to allow for additional precaution when a stock size is reduced to certain critical level posing serious risk. Such conservation reference points should be determined at levels of **minimum spawning** biomass of a stock **that is consistent with full reproductive capacity**. Remedial measures should be envisaged in case the stock size falls below **minimum spawning biomass**.

Amendment

- (13) It is necessary to establish conservation reference points to allow for additional precautions when a stock size is reduced to certain critical level posing serious risk. Such conservation reference points should be determined at levels of biomass **corresponding to maximum sustainable yield (BMSY)** of a stock. Remedial measures should be envisaged **in order to prevent** the stock size **from falling** below **that level**.

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Amendment 12
Proposal for a regulation

Recital 14

Text proposed by the Commission

- (14) In the case of stocks taken as by-catches, in the absence of scientific advice on such levels of minimum spawning biomass, specific conservation measures should be adopted when scientific advice states that a stock is under threat.

Amendment

- (14) In the case of stocks taken as by-catches, in the absence of scientific advice on such levels of minimum spawning biomass, specific conservation measures should be adopted when ***other indicators make it possible to give*** scientific advice ***that*** states that a stock is under threat. ***The scientific data on spawning biomass levels for by-catches must be speedily made available so that the necessary measures can be taken.***

Amendment 13
Proposal for a regulation

Recital 16

Text proposed by the Commission

- (16) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for other management measures as set out under points (a) to (c) of Article 15(4) of that Regulation. Such measures should be laid down by way of delegated acts.

Amendment

- (16) In order to comply with the landing obligation established by Article 15(1) of Regulation (EU) No 1380/2013, the plan should provide for other management measures as set out under points (a) to (c) of Article 15(4) of that Regulation. Such measures should be laid down by way of delegated acts ***after consultation with the advisory councils concerned.***

Amendment 14
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) ***The Commission should take account of the opinion of the advisory councils concerned when adopting delegated acts to comply with the landing obligation laid down by Article 15(1) of Regulation (EU) No 1380/2013, so as to provide for other management measures as set out under points (a) to (c) of Article 15(4) of that Regulation.***

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Amendment 15
Proposal for a regulation
Recital 17

Text proposed by the Commission

- (17) The plan should also provide for certain accompanying technical measures to be adopted, by way of delegated acts, in order to contribute to the achievement of the objectives of the plan, in particular as regards the protection of juveniles or spawning fish. Pending the revision of Council Regulation (EC) No 2187/2005⁽²⁰⁾, it should also be envisaged that such measures may, where necessary for the achievement of the objectives of the plan, derogate from certain non-essential elements of that Regulation.

⁽²⁰⁾ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

Amendment

- (17) The plan should also provide for certain accompanying technical measures to be adopted, by way of delegated acts ***after consultation with the advisory councils concerned***, in order to contribute to the achievement of the objectives of the plan, in particular as regards the protection of juveniles or spawning fish. Pending the revision of Council Regulation (EC) No 2187/2005⁽²⁰⁾, it should also be envisaged that such measures may, where necessary for the achievement of the objectives of the plan, derogate from certain non-essential elements of that Regulation.

⁽²⁰⁾ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

Amendment 16
Proposal for a regulation
Recital 17 a (new)

Text proposed by the Commission

Amendment

- (17a) ***The Commission should take account of the opinion of the advisory councils concerned when adopting certain accompanying technical measures to help achieve the plan's objectives.***

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Amendment 17
Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) In order to adapt to **the** technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, 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 supplementing this Regulation as regards remedial measures concerning plaice, flounder, turbot and brill, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at **experts** level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(18) In order to adapt to technical and scientific progress in a timely and proportionate fashion and to ensure flexibility and allow evolution of certain measures, 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 supplementing this Regulation as regards remedial measures concerning plaice, flounder, turbot and brill, implementation of the landing obligation and technical measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at **the level of experts and specialist bodies in the Member States and the Union, involving both the European Parliament and the Council experts. Intensive debate with the stakeholders affected should be undertaken before a proposal for a specific measure is finalised.** The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and **to the** Council.

Amendment 18
Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) **The Commission should take account of the opinion of the advisory councils concerned when adopting delegated acts to extend the scope of this Regulation with regard to remedial measures for plaice, flounder, turbot and brill, implementation of the landing obligation and technical measures.**

Amendment 19
Proposal for a regulation
Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) **When implementing the plan established by this Regulation, priority should be given to the application of the principle of regionalisation as established in Article 18 of Regulation (EU) No 1380/2013.**

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Amendment 20
Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) In accordance with Article 18 of Regulation (EU) No 1380/2013, where the Commission has been granted powers to adopt delegated acts in respect of certain conservation measures as set out in the plan, Member States having a direct management interest in the Baltic Sea fisheries should have the possibility to submit joint recommendations for such measures, so that these measures are well designed to correspond to the particularities of the Baltic Sea and its fisheries. The deadline for submitting these recommendations should be established, as required by Article 18(1) of that Regulation.

Amendment

(19) In accordance with Article 18 of Regulation (EU) No 1380/2013, where the Commission has been granted powers to adopt delegated acts in respect of certain conservation measures as set out in the plan, Member States **and the advisory councils** having a direct management interest in the Baltic Sea fisheries should have the possibility to submit joint recommendations for such measures, so that these measures are well designed to correspond to the particularities of the Baltic Sea and its fisheries. The deadline for submitting these recommendations should be established, as required by Article 18(1) of that Regulation.

Amendment 21
Proposal for a regulation

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) ***To enhance the effectiveness and innovational aspects of the plan, joint recommendations and subsequent delegated acts should aim to ensure the inclusion of bottom-up and results-based approaches.***

Amendment 22
Proposal for a regulation

Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) ***The Commission should take account of the opinion of the advisory councils concerned when adopting delegated acts regarding certain conservation measures provided for in the plan.***

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Amendment 23
Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) *Rules should be laid down to ensure that financial support under Regulation (EU) No 508/2014 of the European Parliament and of the Council^(1bis) can be provided in the event of temporary cessation of fisheries.*

^(1bis) *Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (O) L 149, 20.5.2014, p. 1).*

Amendment 50
Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) As regards the time-frame, **it is expected that for** the stocks concerned **maximum sustainable yield** should be **reached** by 2015. **It** should be maintained from **there** on.

(25) As regards the time-frame, the stocks concerned **should achieve the target by 2015 where possible. Achieving exploitation rates by a later date should be allowed only if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved. After 2015, those rates should be achieved as soon as possible, and in any event by no later than 2020. The target** should be maintained from **those dates** on.

Amendment 25
Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) **In the absence of fishing effort regime it is necessary to delete the specific rules on special fishing permit and replacement of vessels or engines applicable to the Gulf of Riga. Accordingly, Council Regulation (EC) No 2187/2005 should be amended.**

deleted

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Amendment 26**Proposal for a regulation****Article 1 — paragraph 2***Text proposed by the Commission*

2. **The plan shall** also **apply to** plaice, flounder, turbot and brill in ICES Subdivisions 22-32 **caught** when fishing for **the** stocks **concerned**.

Amendment

2. **This Regulation** also **provides for measures in respect of by-catches of** plaice, flounder, turbot and brill in ICES Subdivisions 22-32 **to be applied** when fishing for stocks **referred to in paragraph 1**.

Amendment 27**Proposal for a regulation****Article 2 — points b and c***Text proposed by the Commission*

(b) 'trapnet' means **large** nets, anchored, fixed on stakes or occasionally floating, **open at the surface** and provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;

(c) 'pots and creels' **mean small** traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendment

(b) 'trapnet, **fyke-net and pound net**' means nets, anchored, fixed on stakes or **occasionally floating** and provided with various types of fish herding and retaining devices, and which are generally divided into chambers closed at the bottom by netting;

(c) 'pots and creels' **means** traps designed to catch crustaceans or fish in the form of cages or baskets made with various materials that are set on the seabed either singly or in rows; connected by ropes (buoy-lines) to buoys on the surface showing their position and having one or more openings or entrances;

Amendments 63, 28 and 56**Proposal for a regulation****Article 3***Text proposed by the Commission*

1. The plan shall **aim at contributing to** the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013 and in particular:

(a) **achieving** and maintaining maximum sustainable yield for the stocks concerned, and

Amendment

1. The plan shall **ensure the achievement of** the objectives of the common fisheries policy listed in Article 2 of Regulation (EU) No 1380/2013, and **of the Marine Strategy Framework Directive (MSFD) No 2008/56/EC**, in particular:

(a) **restoring** and maintaining the stocks concerned **above biomass levels that can produce** maximum sustainable yield, and

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Text proposed by the Commission

(b) ensuring the conservation of the stocks of plaice, brill, flounder and turbot **in line with the precautionary approach.**

2. The plan shall **aim at contributing** to the implementation of the landing obligation established in Article 15(1) of Regulation (EU) No 1380/2013 for the stocks concerned and for plaice.

Amendment

(b) ensuring the conservation of the stocks of plaice, brill, flounder and turbot **above levels capable of producing the maximum sustainable yield.**

2. The plan shall **contribute to the elimination of discards, taking into account the best available scientific advice, by avoiding and reducing unwanted catches, and** to the implementation of the landing obligation established in Article 15(1) of Regulation (EU) No 1380/2013 for the stocks concerned and for plaice.

Amendment 29

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Coherence with Union environmental legislation

1. **The plan shall apply the ecosystem-based approach to fisheries management.**

2. **In order to ensure that negative impacts of fishing activities on the marine ecosystem are minimised and that fisheries activities avoid the degradation of the marine environment, the plan shall be coherent with, and shall contribute to achievement of the objectives of, the Marine Strategy Framework Directive so as to achieve good environmental status by 2020. In particular, it shall:**

(a) **aim to ensure that the conditions described in descriptor 3 contained in Annex I to that Directive are fulfilled;**

(b) **aim to contribute to the fulfilment of descriptors 1, 4 and 6 contained in Annex I to that Directive in proportion to the role played by fisheries in their fulfilment.**

Amendment 30

Proposal for a regulation

Article 4 — paragraph 1

Text proposed by the Commission

1. The target fishing mortality shall be **reached** by 2015 and maintained **onwards** for the stocks concerned within the following ranges:

Amendment

1. The target fishing mortality shall **take into account the most recent scientific advice and shall, where possible, be achieved** by 2015 **and, on a progressive, incremental basis, by 2020 at the latest, and shall be maintained thereafter for the stocks concerned. The fishing mortality** for the stocks concerned **shall be set** within the following ranges:

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Text proposed by the Commission			Amendment	
Stock	Target fishing mortality range		Stock	Target fishing mortality range
Western Baltic Cod	0,23-0,29		Western Baltic Cod	0 to FMSY
Eastern Baltic Cod	0,41-0,51		Eastern Baltic Cod	0 to FMSY
Central Baltic herring	0,23-0,29		Central Baltic herring	0 to FMSY
Gulf of Riga herring	0,32-0,39		Gulf of Riga herring	0 to FMSY
Bothnian Sea herring	0,13-0,17		Bothnian Sea herring	0 to FMSY
Bothnian Bay herring	Not defined		Bothnian Bay herring	0 to FMSY
Western Baltic herring	0,25-0,31		Western Baltic herring	0 to FMSY
Baltic Sprat	0,26-0,32		Baltic Sprat	0 to FMSY

Values for FMSY (fishing mortality consistent with achieving maximum sustainable yield) shall be taken from the latest reliable scientific advice available and Fishing mortality (F) should aim at 0,8 x FMSY.

Amendment 58

Proposal for a regulation

Article 4 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Fishing opportunities shall be set in such a way as to ensure that there is less than a 5 % probability that they are in excess of the F-MSY values shown in the table set out in paragraph 1.*

Amendment 31

Proposal for a regulation

Article 4 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *This Regulation shall provide for the temporary cessation of fishing activities as defined in Article 33 of Regulation (EU) No 508/2014, with financial support being provided under that Regulation.*

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Amendment 32
Proposal for a regulation
Article 5 — paragraph 1

<i>Text proposed by the Commission</i>		<i>Amendment</i>	
1. The conservation reference points <i>expressed in minimum spawning biomass level that is</i> consistent with full reproductive capacity shall be for the stocks concerned as follows:		1. The conservation reference points <i>that are</i> consistent with full reproductive capacity shall be, for the stocks concerned, as follows:	
Stock	Minimum spawning biomass level (in tonnes)	Stock	Minimum spawning biomass level (in tonnes)
Western Baltic cod	36 400	Western Baltic cod	<i>36 400 for 2015 and BMSY for the remaining years</i>
Eastern Baltic cod	88 200	Eastern Baltic cod	<i>88 200 for 2015 and BMSY for the remaining years</i>
Central Baltic herring	600 000	Central Baltic herring	<i>600 000 for 2015 and BMSY for the remaining years</i>
Gulf of Riga herring	Not defined	Gulf of Riga herring	<i>Not defined for 2015 and BMSY for the remaining years</i>
Bothnian Sea herring	Not defined	Bothnian Sea herring	<i>Not defined for 2015 and BMSY for the remaining years</i>
Bothnian Bay herring	Not defined	Bothnian Bay herring	<i>Not defined for 2015 and BMSY for the remaining years</i>
Western Baltic herring	110 000	Western Baltic herring	<i>110 000 for 2015 and BMSY for the remaining years</i>
Baltic sprat	570 000	Baltic sprat	<i>570 000 for 2015 and BMSY for the remaining years</i>

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Amendment 33
Proposal for a regulation
Article 5 — paragraph 2

Text proposed by the Commission

2. When the spawning biomass of any of the stocks concerned for a certain year is below the minimum spawning biomass levels set out in paragraph 1, appropriate remedial measures shall be adopted to ensure **rapid return of the stock** concerned to **precautionary levels**. In particular, by way of derogation from Article 4(2) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013 fishing opportunities shall be set at levels lower than those resulting in target fishing mortality ranges laid down in Article 4(1). These remedial measures may also include, as appropriate, the submission of legislative proposals by the Commission and emergency measures adopted by the Commission under Article 12 of Regulation (EU) No 1380/2013.

Amendment

2. When the spawning biomass of any of the stocks concerned for a certain year is below the minimum spawning biomass levels set out in paragraph 1, appropriate remedial measures shall be adopted to ensure **that the stocks** concerned **return to levels above those capable of producing maximum sustainable yield (MSY) as soon as possible**. In particular, by way of derogation from Article 4(2) of this Regulation and in accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities shall be set at levels lower than those resulting in target fishing mortality ranges laid down in Article 4(1) **of this Regulation**. These remedial measures may also include, as appropriate, the submission of legislative proposals by the Commission and emergency measures adopted by the Commission under Article 12 of Regulation (EU) No 1380/2013.

Amendment 59
Proposal for a regulation
Article 5 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. When the biomass of any of the stocks concerned for a certain year falls below the levels set out in the table below, appropriate measures shall be taken to halt targeted fishing for the relevant stock:

Stock	Limit biomass level (in tonnes)
Western Baltic cod	26 000
Eastern Baltic cod	63 000
Central Baltic herring	430 000
Gulf of Riga herring	Not defined
Bothnian Sea herring	Not defined
Bothnian Bay herring	Not defined
Western Baltic herring	90 000
Baltic sprat	410 000

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Amendment 34
Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

Article 6

Measures **in case of threat to** plaice, flounder, turbot and brill**Technical conservation** measures **for** plaice, flounder, turbot and brill

1. When scientific advice **states that the conservation of any of** the Baltic stocks of plaice, flounder, turbot or brill **is under threat**, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures **concerning the stock under threat** and regarding **any of** the following:

1. When scientific advice **indicates that remedial measures are needed to ensure that** the Baltic stocks of plaice, flounder, turbot or brill **are managed in accordance with the precautionary approach**, the Commission shall be empowered to adopt delegated acts in accordance with Article 15 on specific conservation measures **for by-catches of plaice, flounder, turbot and brill** and regarding the following **technical measures**:

(c) (a) adaptation of fishing capacity and fishing effort;

(a) adaptation of fishing capacity and fishing effort;

(d)(b) technical measures, including

(1) characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear);

(b) characteristics of fishing gear, in particular mesh size, twine thickness, size of the gear;

(2) use of the fishing gear, in particular immersion time, depth of gear deployment);

(c) use of the fishing gear, in particular immersion time **and** depth of gear deployment;

(3) prohibition or limitation to fish in specific areas;

(d) prohibition or limitation to fish in specific areas;

(4) prohibition or limitation to fish during specific time periods;

(e) prohibition or limitation to fish during specific time periods;

(5) minimum conservation reference size.

(f) minimum conservation reference size;

(g) **other characteristics linked to selectivity.**

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Text proposed by the Commission

2. The measures referred to in paragraph 1 shall aim at achieving the objective set out in Article 3(1)(b) and be based on scientific advice.

3. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for specific conservation measures as referred to in paragraph 1.

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objective set out in **point (b) of Article 3(1) and coherence with Union environmental legislation as set out in Article 3a**, and **shall** be based on **the best available** scientific advice.

3. The Member States concerned may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for specific conservation measures as referred to in paragraph 1.

3a. Before adopting a delegated act, the Commission shall consult the European Parliament and the advisory committees concerned.

3b. The Commission shall, in consultation with the Member States concerned, analyse the impact of the delegated acts referred to in paragraph 1 one year after their adoption, and every year thereafter. If such analysis shows that a delegated act is not adequate to deal with the current situation, the Member States concerned may submit a joint recommendation in accordance with Article 18(1) of Regulation (EU) No 1380/2013.

Amendment 35**Proposal for a regulation****Article 7***Text proposed by the Commission*

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 the landing obligation shall not apply to **the stocks concerned and plaice** when fishing with the following gears: trapnets, pots and creels.

Amendment

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to **cod** when fishing with the following gears: trapnets, pots and creels, **fyke-nets and pound nets**.

Amendment 36**Proposal for a regulation****Article 9 — paragraph 2***Text proposed by the Commission*

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3 and in particular the protection of juveniles or spawning fish.

Amendment

2. The measures referred to in paragraph 1 shall aim at achieving the objectives set out in Article 3, in particular the protection of juveniles or spawning fish, **as well as coherence with Union environmental legislation as set out in Article 3a, and ensuring that negative impacts of fishing activities on the marine ecosystem are minimised.**

Tuesday 28 April 2015

Amendment 37

Proposal for a regulation

Article 9 — paragraph 3 — point a

Text proposed by the Commission

(a) specifications of target species **and** mesh sizes laid down in Annexes II **and** III referred to in Articles 3 **and** 4 of Regulation (EC) No 2187/2005;

Amendment

(a) specifications of target species, mesh sizes **and minimum conservation reference sizes** laid down in Annexes II, III **and IV to Regulation (EC) No 2187/2005 and** referred to in Articles 3, 4 **and 14(1)** of **that** Regulation;

Amendment 38

Proposal for a regulation

Article 9 — paragraph 3 — point f

Text proposed by the Commission

(f) **the trawling prohibition for the Gulf of Riga laid down in Article 22 thereof.**

Amendment

deleted

Amendment 39

Proposal for a regulation

Article 9 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Moreover, the Commission shall endeavour to take account of the most recent scientific studies, including ICES studies, before adopting technical measures.

Amendment 40

Proposal for a regulation

Article 9 — paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. During the cod spawning season, pelagic fishing using stationary gear with a mesh size of less than 110 mm, or 120 mm in the case of outrigger gear, shall be prohibited.

Tuesday 28 April 2015

Amendment 41
Proposal for a regulation
Chapter VI a (new)

Text proposed by the Commission

Amendment

CHAPTER VIa

SPECIFIC MEASURES

Article 9a

Specific measures

1. Any fishing activity shall be prohibited from 1 May to 31 October within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

(a) Area 1:

- 55° 45' N, 15° 30' E
- 55° 45' N, 16° 30' E
- 55° 00' N, 16° 30' E
- 55° 00' N, 16° 00' E
- 55° 15' N, 16° 00' E
- 55° 15' N, 15° 30' E
- 55° 45' N, 15° 30' E

(b) Area 2:

- 55° 00' N, 19° 14' E
- 54° 48' N, 19° 20' E
- 54° 45' N, 19° 19' E
- 54° 45' N, 18° 55' E
- 55° 00' N, 19° 14' E

(c) Area 3:

- 56° 13' N, 18° 27' E
- 56° 13' N, 19° 31' E
- 55° 59' N, 19° 13' E
- 56° 03' N, 19° 06' E
- 56° 00' N, 18° 51' E
- 55° 47' N, 18° 57' E
- 55° 30' N, 18° 34' E
- 56° 13' N, 18° 27' E.

Tuesday 28 April 2015

Text proposed by the Commission

Amendment

2. All Union vessels of an overall length equal to or greater than eight metres carrying on board or using any gears for cod fishing in the Baltic Sea in accordance with Article 3 of Regulation (EC) No 2187/2005 shall hold a special permit for fishing for cod in the Baltic Sea.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 15 to amend this Article, where necessary for the achievement of the objectives referred to in Article 3, and in particular the protection of juveniles or spawning fish.

Amendment 42

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

Article 10

Regional cooperation

Regional cooperation

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures **under this Chapter**.

1. Article 18 (1) to (6) of Regulation (EU) No 1380/2013 shall apply to the measures **referred to in Articles 6, 8 and 9 of this Regulation**.

2. Member States concerned may submit joint recommendations **in accordance with Article 18(1) of Regulation (EU) No 1380/2013 within the following deadlines:**

2. Member States concerned may, **after having consulted the regional advisory councils**, submit **any** joint recommendations referred to in Articles 6(3), 8(3) and 9(4) for the first time not later than 12 months after the entry into force of this Regulation, and thereafter 12 months after each submission of the evaluation of the plan in accordance with Article 14, but not later than 1 September for measures concerning the Member States. They may also submit such recommendations in the event of any abrupt change in the situation for any of the stocks covered by the plan, if the measures recommended are deemed necessary or justified by scientific advice.

a) for the measures set out in Article 6(1) and concerning a given calendar year, not later than 1 September of the previous year;

b) for the measures set out in Articles 8(1) and 9(1), for the first time not later than six months after the entry into force of this Regulation and thereafter six months after each submission the evaluation of the plan in accordance with Article 14.

Tuesday 28 April 2015

Text proposed by the Commission

Amendment

2a. The advisory councils concerned may also submit recommendations in accordance with the timetable set out in paragraph 2.

2b. Any deviations by the Commission from the joint recommendations shall be presented to the European Parliament and to the Council and shall be capable of being scrutinised.

Amendment 43

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Article 12

Article 12

Prior notifications

Prior notifications

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply to masters of Union fishing vessels of eight metres overall length or more retaining on board at least 300 **kg** of cod **or** two **tons** of pelagic stocks.

1. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the prior notification obligation laid down in that Article shall apply:

(a) in relation to fishing vessels targeting cod, to masters of Union fishing vessels of eight metres overall length or more retaining on board at least 300 **kilograms** of cod;

(b) in relation to fishing vessels targeting herring and/or sprat, to masters of Union fishing vessels of eight metres overall length or more retaining on board at least two **tonnes** of pelagic stocks.

2. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the **advance** notification period laid down in that Article shall be **of** at least one hour before the estimated time of arrival at port.

2. By way of derogation from Article 17(1) of Regulation (EC) No 1224/2009, the **prior** notification period laid down in that Article shall be at least one hour before the estimated time of arrival at port. **The competent authorities of the coastal Member States may, on a case-by-case basis, permit an earlier entry into port, provided that the necessary conditions for the appropriate control measures are to hand.**

Amendment 45

Proposal for a regulation

Article 13 — point b

Text proposed by the Commission

Amendment

(b) 5 tonnes of pelagic stocks.

(b) 2 tonnes of pelagic stocks.

Tuesday 28 April 2015

Amendment 46
Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

Article 14

Evaluation of the plan

Evaluation of the plan

The Commission shall ***ensure an evaluation of*** the impact of this plan on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular ***to take account of changes in scientific advice, six years after the entry into force of the plan and, thereafter, every six years.*** The Commission shall submit the results of ***these*** evaluations to the European Parliament and Council.

Three years after the entry into force of this Regulation, and every five years thereafter, the Commission shall ***evaluate*** the impact of this ***multiannual*** plan on the stocks covered by this Regulation and on the fisheries exploiting those stocks, in particular ***as regards the progress achieved towards restoring and maintaining fish stocks above levels capable of producing maximum sustainable yield.*** The Commission shall submit the results of ***that evaluation*** to the European Parliament and ***the*** Council ***and may, where appropriate and taking into account the most recent scientific advice, propose adaptations to the multiannual plan or initiate modifications to the delegated acts.***

Amendment 47
Proposal for a regulation
Chapter IX a (new)

Text proposed by the Commission

Amendment

CHAPTER IXa

**SUPPORT FROM THE EUROPEAN MARITIME AND
 FISHERIES FUND**

Article 14a

Support from the European Maritime and Fisheries Fund

For the purposes of point (c) of Article 33(1) of Regulation (EU) No 508/2014, the multi-annual plan provided for by this Regulation shall be regarded as a multi-annual plan pursuant to Articles 9 and 10 of Regulation (EU) No 1380/2013.

Tuesday 28 April 2015

Amendment 48
Proposal for a regulation
Article 15 — paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 6, 8 and 9 shall be conferred on the Commission for ***an indeterminate period of time from the date of the entry into force of this Regulation.***

Amendment

2. The delegation of power referred to in Articles 6, 8 and 9 shall be conferred on the Commission for ***a period of five years from 1 September 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Amendment 49
Proposal for a regulation
Article 16

Text proposed by the Commission

Articles 20 and 21 of Regulation (EC) No 2187/2005 are deleted.

Amendment

Regulation (EC) No 2187/2005 ***is amended as follows:***

1. ***Article 13(3) is deleted.***
2. ***In Annex IV, in the column headed 'Minimum size', the words '38 cm' in respect of the minimum conservation reference size for cod shall be replaced by '35 cm'.***

Tuesday 28 April 2015

P8_TA(2015)0105

Landing obligation *I**

European Parliament legislative resolution of 28 April 2015 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation (COM(2013)0889 — C7-0465/2013 — 2013/0436(COD))

(Ordinary legislative procedure: first reading)

(2016/C 346/28)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0889),
 - 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 (C7-0465/2013),
 - 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 29 April 2014 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 20 February 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0060/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2013)0436

Position of the European Parliament adopted at first reading on 28 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/812.)

⁽¹⁾ OJ C 311, 12.9.2014, p. 68.

Tuesday 28 April 2015

P8_TA(2015)0106

Protocol to the Partnership and Cooperation Agreement between the EC and Russia to take account of the accession of Croatia to the EU ***

European Parliament legislative resolution of 28 April 2015 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union (11878/2014 — C8-0006/2015 — 2014/0052(NLE))

(Consent)

(2016/C 346/29)

The European Parliament,

- having regard to the draft Council decision (11878/2014),
 - having regard to the draft Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union (11513/2014),
 - having regard to the request for consent submitted by the Council in accordance with Articles 91, 100(2), 207, 212, and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C8-0006/2015),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A8-0129/2015),
1. Gives its consent to conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Russian Federation.
-

Wednesday 29 April 2015

P8_TA(2015)0110

Pre-financing of operational programmes supported by the Youth Employment Initiative *I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1304/2013 of the European Parliament and the Council on the European Social Fund, as regards an increase of the initial pre-financing amount paid to operational programmes supported by the Youth Employment Initiative (COM(2015)0046 — C8-0036/2015 — 2015/0026(COD))

(Ordinary legislative procedure: first reading)

(2016/C 346/30)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0046),
 - having regard to Article 294(2) and Article 164 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0036/2015),
 - 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 March 2015 ⁽¹⁾,
 - having regard to the opinion of the Committee on Budgets on the proposal's financial compatibility,
 - having regard to the undertaking given by the Council representative by letter of 21 April 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 41 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 Culture and Education (A8-0134/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0026

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council amending Regulation (EU) No 1304/2013, as regards an additional initial prefinancing amount paid to operational programmes supported by the Youth Employment Initiative

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/779.)

⁽¹⁾ Not yet published in the Official Journal.

Wednesday 29 April 2015

P8_TA(2015)0111

Repeal of Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries *I****European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on repealing Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries (COM(2014)0707 — C8-0271/2014 — 2014/0334(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 346/31)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0707),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0271/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 11 March 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and of 50(1) of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A8-0026/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0334**Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council repealing Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/937.)

Wednesday 29 April 2015

P8_TA(2015)0112

Safeguard measures provided for in the Agreement with Norway *I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway (codified text) (COM(2014)0304 — C8-0010/2014 — 2014/0159(COD))

(Ordinary legislative procedure — codification)

(2016/C 346/32)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0304),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0010/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0046/2015),
- 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 contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0159

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/938.)

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0113

Stabilisation and Association Agreement with Albania *I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (codified text) (COM(2014)0375 — C8-0034/2014 — 2014/0191(COD))

(Ordinary legislative procedure — codification)

(2016/C 346/33)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0375),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0034/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0047/2015),
- 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 contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0191

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/939.)

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0114

Stabilisation and Association Agreement and Interim Agreement on trade and trade-related matters with Bosnia and Herzegovina *I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (codified text) (COM(2014)0443 — C8-0087/2014 — 2014/0206(COD))

(Ordinary legislative procedure — codification)

(2016/C 346/34)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0443),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0087/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0017/2015),
- 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 contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0206

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/940.)

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0115

**Stabilisation and Association Agreement with the Former Yugoslav Republic of Macedonia
***I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part (codified text) (COM(2014)0394 — C8-0041/2014 — 2014/0199(COD))

(Ordinary legislative procedure — codification)

(2016/C 346/35)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0394),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0041/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0132/2015),
- 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 contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
 2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0199

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part (codification)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/941.)

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0116

Application of Articles 107 and 108 TFEU to certain categories of horizontal state aid *

European Parliament legislative resolution of 29 April 2015 on the proposal for a Council regulation on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal state aid (codified text) (COM(2014)0377 — C8-0139/2014 — 2014/0192(NLE))

(Consultation — codification)

(2016/C 346/36)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2014)0377),
 - having regard to Article 109 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0139/2014),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0029/2014),
- 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 contains a straightforward codification of the existing texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0117

Rules for the application of Article 108 TFEU ***European Parliament legislative resolution of 29 April 2015 on the proposal for a Council regulation laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (codified text) (COM(2014)0534 — C8-0212/2014 — 2014/0246(NLE))****(Consultation — codification)**

(2016/C 346/37)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2014)0534),
 - having regard to Article 109 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0212/2014),
 - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts ⁽¹⁾,
 - having regard to Rules 103 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A8-0047/2014),
- 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 contains a straightforward codification of the existing texts without any change in their substance;
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ C 102, 4.4.1996, p. 2.

Wednesday 29 April 2015

P8_TA(2015)0170

Money market funds ***I

Amendments adopted by the European Parliament on 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on Money Market Funds (COM(2013)0615 — C7-0263/2013 — 2013/0306(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 346/38)

[Amendment No 1]

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

REGULATION (EU) 2015/...

OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on Money Market Funds

(Text with EEA relevance)

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 114 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 ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Money market funds (MMF) provide short-term finance to financial institutions, corporates or governments. By providing finance to these entities, money market funds contribute to the financing of the European economy. ***Such entities use their investments in MMFs as an efficient way to spread their credit risk and exposure, rather than relying solely on bank deposits.***
- (2) On the demand side, MMFs are short-term cash management tools that provide a high degree of liquidity, diversification, stability of value of the principal invested combined with a market-based yield. MMFs are **■** used by ***a wide range of entities including charities, housing associations, local authorities and larger professional investors such as corporations and pension funds*** seeking to invest their excess cash for a short time frame. MMFs, therefore, represent a crucial link bringing together demand and offer of short-term money.

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0041/2015).

(*) Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol **■**.

⁽¹⁾ OJ C 170, 5.6.2014, p. 50.

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- (3) Events that occurred during the financial crisis have shed light on several features of MMFs that make them vulnerable when there are difficulties in financial markets and **they may therefore** spread or amplify risks through the financial system. When the prices of the assets in which the MMFs are invested in start to decrease, especially during stressed market situations, the MMF cannot always maintain the promise to redeem immediately and to preserve the principal value of a unit or share issued by the MMF to investors. This situation, **that according to the Financial Stability Board (FSB) and the International Organization of Securities Commissions (IOSCO) can be particularly serious for constant or stable net asset value MMFs**, may trigger **substantial** and sudden redemption requests, potentially **triggering** broader macroeconomic consequences.
- (4) Large redemption requests **may** force MMFs to sell some of their investment assets in a declining market, **potentially** fuelling a liquidity crisis. In these circumstances, money market issuers can face severe funding difficulties if the **markets for commercial paper and other money market instruments dry up. This could lead to contagion within** the short term funding market **and result in** direct and major difficulties **in** the financing of **■** financial institutions, corporations and governments, **and** thus the economy.
- (5) Asset managers, **backed** by sponsors, may decide to provide discretionary support to maintain the liquidity and the stability of their MMFs. Sponsors are often forced to support their sponsored MMFs **that are** losing value due to reputational risk and fear that panic could spread into **sponsors'** other businesses. Depending on the size of the fund and the extent of **the** redemption pressure, sponsor support may reach proportions that exceed their readily available reserves. Therefore, it is important to provide for a framework of uniform rules in order to prevent the failure of the sponsor and risk contagion to other entities that sponsor MMFs.
- (6) In order to preserve the integrity and stability of the internal market **■**, it is necessary to lay down rules regarding the operation of MMFs, in particular on the composition of the portfolio of MMFs. **This is intended to make MMFs more resilient and limit contagion channels.** Uniform rules across the Union are necessary to ensure that MMFs are able to **honour redemption requests from** investors, especially during stressed market situations. Uniform rules on the portfolio of a money market fund are also required to ensure that MMFs are able to face **substantial** and sudden redemption requests by a large group of investors.
- (7) Uniform rules on MMFs are also necessary to ensure **the** smooth operation of the short term funding market for financial institutions, corporate issuers of short term debt and governments. They are also required to ensure **the** equal treatment **of** MMF investors and to avoid **■** late redeemers **being disadvantaged if** redemptions are temporarily suspended or **if** the MMF is liquidated.
- (8) It is necessary to provide for the harmonisation of prudential requirements related to MMFs by setting out clear rules that impose direct obligations on MMFs and their managers throughout the Union. This would enhance stability of MMFs as a source of short-term finance for government and the corporate sector across the Union. It would also ensure that MMFs remain a reliable tool for the cash management needs of the Union's industry.
- (9) The MMF Guidelines adopted by the Committee of European Securities Regulators (CESR) to create a minimum level playing field for MMFs in the Union were implemented one year after their entry into force only by 12 Member States thus demonstrating the persistence of divergent national rules. Different national approaches fail to address the vulnerabilities of the **Union's** money markets **■** and **fail** to mitigate the contagion risks thereby endangering the functioning and stability of the internal market, **as evidenced during the financial crisis.** These common rules on MMFs should therefore provide for a high level of protection of investors and should prevent and mitigate any potential contagion risks resulting from possible runs **on** MMFs.
- (10) In the absence of a Regulation setting out rules on MMFs, diverging measures might continue to be adopted at national level, which would continue to cause significant distortions of competition resulting from important differences in essential investment protection standards. Diverging requirements on portfolio composition, eligible

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assets, their maturity, liquidity and diversification, as well as on credit quality of issuers of money market instruments lead to different levels of investor protection because of the different levels of risk attached to the investment proposition associated with a money market fund. **It is therefore essential to adopt a uniform set of rules in order to avoid contagion of the short term funding market and of the sponsors of the MMF, which would put at risk the stability of the Union's financial market. In order to mitigate systemic risk, Constant Net Asset Value MMFs (CNAV MMFs) should, from the date of the entry into force of this Regulation, only operate in the Union as a Public debt CNAV MMF, as a Retail CNAV MMF or as a Low Volatility NAV MMF (LVNAV MMF) . All references in this Regulation to CNAV MMFs should be considered to be references to Public Debt Government CNAV MMFs, Retail CNAV MMFs and LVNAV MMFs unless otherwise specified. Existing CNAV MMFs should be able to choose to operate as variable net asset value MMFs (VNAV MMFs) instead.**

- (11) The new rules on MMFs are closely linked to Directive 2009/65/EC ⁽¹⁾ and Directive 2011/61/EU ⁽²⁾ since they form the legal framework governing the establishment, management and marketing of MMFs in the Union.
- (12) In the Union, collective investment undertakings may operate as undertakings for collective investment in transferable securities (UCITS) managed by UCITS managers or investment companies authorised under Directive 2009/65/EC or as alternative investment funds (AIFs) managed by alternative investment fund managers (AIFMs) authorised or registered under Directive 2011/61/EU. The new rules on MMFs supplement the provisions of those Directives. Hence the new uniform rules on MMFs should apply in addition to those laid down in Directives 2009/65/EC and 2011/61/EU. At the same time, a number of rules concerning the investment policies of UCITS laid down in Chapter VII of Directive 2009/65/EC should be explicitly dis-applied and specific product rules should be laid down in these new uniform provisions on MMFs.
- (13) Harmonised rules should apply to collective investment undertakings whose characteristics correspond to those associated with a MMF. For UCITS and AIFs that invest in short term assets such as money market instruments or deposits, or enter reverse repurchase agreements, or certain derivative contracts with the only purpose of hedging risks inherent to other investments of the fund, and that have the objective of offering returns in line with money market rates or of preserving the value of the investment, compliance with the new rules on MMFs should be mandatory.
- (14) The specificity of MMFs results from a combination of the assets in which they invest and the objectives they pursue. The objective to offer a return in line with money market rates and the objective to preserve the value of an investment are not mutually exclusive. A MMF may have either one of these objective or both objectives jointly.
- (15) The objective of offering returns in line with money market rates should be understood in a broad sense. The anticipated return does not need to be perfectly aligned with EONIA, Libor, Euribor or any other relevant money market rate. An objective to outperform the money market rate by a slight margin should not be considered to take a UCITS or AIF outside the scope of the new uniform rules.
- (16) The objective of preserving the value of the investment should not be understood as a capital guarantee promised by the fund. It should be understood as an aim that the UCITS or AIF seeks to pursue. A decrease in value of the investments should not imply that the collective investment undertaking has changed the objective to preserve the value of an investment.
- (17) It is important that UCITS and AIFs that have the characteristics of MMFs be identified as MMFs and that their capacity to comply on an on-going basis with the new uniform rules on MMFs be explicitly verified. For this purpose competent authorities should authorise MMFs. For UCITS the authorisation as MMF should be part of the

⁽¹⁾ Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32).

⁽²⁾ Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1).

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authorisation as UCITS in accordance with the harmonised procedures envisaged in Directive 2009/65/EC. For AIFs, as they are not subject to harmonised authorisation and supervision procedures under Directive 2011/61/EU, it is necessary to provide for common basic rules on authorisation that mirror the existing UCITS harmonised rules. Such procedures should ensure that an AIF authorised as a MMF has as manager an alternative investment fund manager (AIFM) authorised in accordance with Directive 2011/61/EU.

- (18) In order to make sure that all collective investment undertakings displaying the characteristics of MMFs are subject to the new common rules on MMFs, it is necessary to prohibit the use of the designation 'MMF' or any other term that suggests that a collective investment undertaking shares the characteristics of MMFs unless this Regulation is complied with. To prevent circumvention of the MMF rules, competent authorities should monitor the market practices of collective investment undertakings established or marketed in their jurisdiction to verify that they do not misuse the MMF designation or suggest that they are a MMF without complying with the new regulatory framework.
- (19) The new rules applicable to MMFs should build on the existing regulatory framework established through Directive 2009/65/EC and Directive 2011/61/EU and the acts adopted for their implementation. Therefore, the product rules concerning MMFs should apply in addition to the product rules laid down in the existing Union legislation unless they are explicitly dis-applied. Furthermore, the management and marketing rules laid down in the existing framework should apply to MMFs taking into account whether they are UCITS or AIFs. Equally, the rules on the cross-border provision of services and freedom of establishment laid down in Directives 2009/65/EC and 2011/61/EU should apply accordingly to the cross-border activities of MMFs.
- (20) Given that UCITS and AIFs may take different legal forms that do not necessarily endow them with legal personality, the provisions requiring MMFs to take action should be understood to refer to the manager of the MMF in cases where the MMF is constituted as a UCITS or an AIF that is not in a position to act by itself because it has no legal personality of its own.
- (21) Rules on the portfolio of MMFs would require a clear identification of the categories of assets that should be eligible for investment by MMFs and of the conditions under which they are eligible. To ensure the integrity of MMFs is also desirable to prohibit a MMF from engaging in certain financial transactions that would endanger its investment strategy and objectives.
- (22) Money market instruments are transferable instruments normally dealt in on the money market, *such* as treasury and local authority bills, certificates of deposits, commercial papers, **high quality liquid asset backed securities**, bankers' acceptances or medium- or short-term notes. They should be eligible for investment by MMFs only insofar as they comply with the maturity limits **or, in the case of asset backed securities, are eligible as high quality assets according to the liquidity rules in Part Six of Regulation (EU) No 575/2013 of the European Parliament and of the Council**⁽¹⁾ and are considered by the MMF to be of high credit quality.
- (23) Asset Backed Commercial Papers (ABCPs) should be considered eligible money market instruments to the extent that they respect additional requirements. Due to the fact that during the crisis certain securitisations were particularly unstable, it is necessary to impose maturity limits and quality criteria on the underlying assets **and also to ensure that the pool of exposures is sufficiently diversified. Yet not** all categories of underlying assets **have proved to be unstable, including in particular those securitisations where the underlying assets were associated with supporting the working capital of manufacturers and the sales of real economy goods and services. Those securitisations have performed well and should be considered to be eligible money market instruments to the extent that they are eligible as high quality liquid assets according to the liquidity rules in Part Six of Regulation (EU) No 575/2013, specified in Commission Delegated Regulation (EU) No ...**⁽²⁾. **This should apply for qualified high quality liquid asset backed securities comprising one of the subcategories of securitised underlying assets**

⁽¹⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) No ..., supplementing Regulation (EU) 575/2013 with regard to liquidity coverage requirement for Credit Institutions.

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referred to in point (iii) and (iv) of Article 13(2) (g) of Commission Delegated Regulation (EU) No ... , namely, auto loans and auto leases to borrowers or lessees established or resident in a Member State) and commercial loans, leases or credit facilities to undertakings established in a Member State to finance capital expenditures or business operations other than the acquisition or the development of commercial real estate. The reference to certain subcategories of securitised underlying assets in Commission Delegated Regulation (EU) No ... is important in order to ensure a uniform definition of eligible underlying securitised assets for the purpose of the liquidity regulations for credit institutions and also for this Regulation, which in turn is of importance for the liquidity of such instruments to avoid impediments to real economy securitisations.

- (23a) *The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of specifying the criteria for identifying simple, transparent and standardised securitisation. In doing so, the Commission should ensure consistency with the delegated acts adopted under Article 460 of Regulation (EU) No 575/2013 and Article 135(2) of Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), and should take into account the specific characteristics of securitisations with maturities at issuance of less than 397 days. The power to adopt acts in accordance with Article 290 TFEU should also be delegated to the Commission in respect of specifying the criteria for identifying debt of high credit quality and liquid asset backed commercial papers. The Commission should ensure consistency with and support the respective work streams of the European Banking Authority (EBA).*
- (24) A MMF should be allowed to invest in deposits to the extent that it is able to withdraw the money at any time. The effective possibility of withdrawal would be impaired if the penalties associated with the early withdrawal are so high as to exceed the interest accrued prior to withdrawal. For this reason the MMF should take due care not to make deposits with a credit institution that requires above average penalties or to engage in too long deposits where this results in too high penalties.
- (25) Financial derivative instruments eligible for investment by a MMF should only serve the purpose of hedging interest rate and currency risk and should only have as an underlying instrument interest rates, exchange currencies or indices representing these categories. Any use of derivatives for another purpose or on other underlying assets should be prohibited. Derivatives should only be used as a complement to the fund strategy but not as the main tool for achieving the fund's objectives. Should a MMF invest in assets labelled in another currency than the currency of the fund, it is expected that the MMF manager would hedge the entire currency risk exposure, including via derivatives. **MMFs should be entitled to invest in financial derivative instruments if that instrument is traded on a regulated market referred to in Article 50(1)(a), (b) or (c) of Directive 2009/65/EC or traded over-the-counter (OTC), or on an organised venue as referred to in Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments.**
- (26) Reverse repurchase agreements could be used by MMFs as a means to invest excess cash on a very short-term basis, provided that the position is fully collateralized. In order to protect the interests of the investors it is necessary to ensure that the collateral provided in the framework of reverse repurchase agreements be of high quality. All other efficient portfolio management techniques, including securities lending and borrowing, should not be used by the MMF as they are likely to impinge on achieving the investment objectives of the MMF.
- (27) In order to limit risk-taking by MMFs it is essential to reduce counterparty risk by subjecting the portfolio of MMFs to clear diversification requirements. To this effect it is also necessary that the reverse repurchase agreements be fully collateralized and that, for limiting the operational risk, one reverse repurchase agreement counterparty cannot account for more than 20 % of the MMF's assets. All over-the-counter (OTC) derivatives should be subject to Regulation (EU) No 648/2012 ⁽¹⁾.

⁽¹⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

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- (28) For prudential reasons and for avoiding the exercise of significant influence over the management of an issuing body by the MMF, it is necessary to avoid excessive concentration by a MMF in investments issued by the same issuing body.
- (29) The MMF should have a responsibility to invest in high quality eligible assets. Therefore, a MMF should have a prudent **credit** assessment procedure for determining the credit quality of the money market instruments in which it intends to invest. In accordance with Union legislation limiting over-reliance on credit ratings, it is important that MMFs avoid **over-reliance** on ratings issued by rating agencies when assessing the quality of eligible assets. ■
- (29a) ***Taking note of the work done by international bodies, such as IOSCO and the FSB, as well as in European legislation, such as Regulation (EU) No 462/2013 of the European Parliament and of the Council⁽¹⁾ and Directive 2013/14/EU of the European Parliament and of the Council⁽²⁾, on reducing investor overreliance on credit ratings, it is not appropriate to explicitly ban any product, including MMFs, from soliciting or financing an external credit rating.***
- (30) For the purpose of avoiding that MMF managers use different assessment criteria for evaluating the credit **quality** of a money market instrument and thus attribute different risk characteristics to the same instrument, it is essential that managers **establish an internal assessment procedure based on prudent, systematic and continuous assignment methodologies**. Examples of **assessment** criteria are quantitative measures on the issuer of the instrument, such as financial ratios, balance sheet dynamics, profitability guidelines, which are evaluated and compared to those of industry peers and groups; qualitative measures on the issuer of the instrument, such as management effectiveness, corporate strategy, which are analysed with a view to determining that the issuer's overall strategy does not impede on its future credit quality. The highest internal **assessments** should reflect the fact that the creditworthiness of the issuer of the instruments is maintained at all times at the highest possible levels.
- (31) In order to develop a transparent and coherent **credit assessment procedure**, the manager should document the procedures used for the **credit** assessment. This should ensure that the procedure follows a clear set of rules that can be monitored and that the methodologies employed are communicated upon request to the interested stakeholders, **as well as to the competent national authority**.
- (32) To reduce MMF portfolio risk it is important to set maturity limitations, providing for a maximum allowable weighted average maturity (WAM) and weighted average life (WAL).
- (33) WAM is used to measure the sensitivity of a MMF to changing money market interest rates. When determining the WAM, managers should take into account the impact of financial derivative instruments, deposits and reverse repurchase agreements and reflect their effect on the interest rate risk of the MMF. When a MMF enters into a swap transaction in order to gain exposure to a fixed rate instrument instead of a floating rate this should be taken into account for determining the WAM.
- (34) WAL is used to measure the credit risk, as the longer the reimbursement of principal is postponed, the higher is the credit risk. WAL is also used to limit the liquidity risk. Contrary to the calculation of the WAM, the calculation of the WAL for floating rate securities and structured financial instruments does not permit the use of interest rate reset dates and instead only uses a financial instrument's stated final maturity. The maturity used for calculating the WAL is the residual maturity until legal redemption, since this is the only date at which the management company can be assured that the instrument will have been reimbursed. Features of an instrument, such as the possibility to redeem

⁽¹⁾ Regulation (EU) No 462/2013 of the European Parliament and of the Council of 21 May 2013 amending Regulation (EC) No 1060/2009 on credit rating agencies (OJ L 146, 31.5.2013, p. 1)

⁽²⁾ Directive 2013/14/EU of the European Parliament and of the Council of 21 May 2013 amending Directive 2003/41/EC on the activities and supervision of institutions for occupational retirement provision, Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) and Directive 2011/61/EU on Alternative Investment Funds Managers in respect of over-reliance on credit ratings (OJ L 145, 31.5.2013, p. 1)

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at specific dates, the so-called put options, cannot be taken into account for calculating the WAL.

- (35) In order to strengthen MMFs' ability to face redemptions and prevent MMFs assets from being liquidated at heavily discounted prices, MMFs should hold on an on-going basis a minimum amount of liquid assets that mature daily or weekly. To calculate the proportion of daily and weekly maturing assets, the legal redemption date of the asset should be used. The possibility for the manager to terminate a contract on a short term basis can be taken into consideration. For instance, if a reverse repurchase agreement can be terminated with a one day prior notice, it should count as a daily maturing asset. If the manager has the possibility to withdraw money from a deposit account with a one day prior notice, it can count as a daily maturing asset. **Government securities may be included as daily maturing assets where a MMF manager determines the government securities to be of high credit quality.**
- (36) Given that MMFs may invest in assets with different maturity ranges, investors should be able to distinguish between different categories of MMF. Therefore, MMFs should be classified as either short-term MMF or as standard MMF. Short-term MMFs have the objective of offering money market rate returns while ensuring the highest possible level of safety for the investors. With short WAM and WAL, the duration risk and credit risk of short-term MMFs are kept at low levels.
- (37) Standard MMFs have the objective of offering returns slightly higher than money market returns, and therefore they invest in assets that have an extended maturity. Moreover, to achieve this outperformance, this category of MMFs should be permitted to employ extended limits for the portfolio risk such as weighted average maturity and weighted average life.
- (38) Under the rules laid down in Article 84 of Directive 2009/65/EC, the managers of UCITS MMFs have the possibility to temporarily suspend redemptions in exceptional cases where circumstances so require. Under the rules laid down in Article 16 of Directive 2011/61/EU and in Article 47 of the Commission Delegated Regulation (EU) No 231/2013 ⁽¹⁾, the managers of AIF MMFs may use special arrangements in order to cope with a supervening illiquidity of the funds' assets.
- (39) **To avoid** the risk management of MMFs **being** biased by short-term decisions influenced by the possible rating of the MMF, **where a manager of a MMF seeks an external credit rating, this should be subject to, and carried out in accordance with, Regulation (EU) No 462/2013.** ■ For ensuring appropriate liquidity management it is necessary that the MMFs establish sound policies and procedures to know their investors. The policies that the manager has to put in place should help understanding the MMF's investor base, to the extent that large redemptions could be anticipated. In order to avoid that the MMF faces sudden massive redemptions, particular attention should be paid to large investors representing a substantial portion of the MMF's assets, as with one investor representing more than the proportion of daily maturing assets. In this case the MMF should increase its proportion of daily maturing assets to the proportion of that investor. The manager should whenever possible look at the identity of the investors, even if they are represented by nominee accounts, portals or any other indirect buyer.
- (40) As part of a prudent risk management, MMFs should, **at least quarterly**, conduct stress testing. The managers of MMFs are expected to act in order to strengthen the MMF's robustness whenever the results of stress testing point to vulnerabilities.
- (41) In order to reflect the actual value of assets, the use of mark to market should be the preferred method for valuing the assets of MMFs. A manager should not be allowed to use the mark to model valuation method when marking to market provides a reliable value of the asset, as the mark to model method is prone to provide less accurate valuation. Assets such as treasury and local authority bills, medium- or short-term notes are generally the ones that

⁽¹⁾ Commission Delegated Regulation (EU) No 231/2013 of 19 December 2012 supplementing Directive 2011/61/EU of the European Parliament and of the Council with regard to exemptions, general operating conditions, depositaries, leverage, transparency and supervision (OJ L 83, 22.3.2013, p. 1).

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are expected to have a reliable marking to market. For valuing commercial papers or certificates of deposit, the manager should check if accurate pricing is provided by a secondary market. The buy-back price offered by the issuer should also be considered to represent a good estimate of the value of the commercial paper. **The manager should estimate the value, for example using market data such as yields on comparable issues and comparable issuers *or using the internationally regarded amortised cost accounting method as set out under recognised international accounting standards.***

- (42) CNAV MMFs have the objective of preserving the capital of the investment while ensuring a high degree of liquidity. The majority of CNAV MMFs have a net asset value (NAV) per unit or share set, for example, at 1 €, \$ or £ when they distribute the income to the investors. The others accumulate income in the NAV of the fund while maintaining the intrinsic value of the asset at a constant value.
- (43) To allow for the specificities of CNAV MMFs it is necessary that CNAV MMFs be permitted to use also the amortised cost accounting method for the purpose of determining the constant net asset value (NAV) per unit or share. This notwithstanding, for the purpose of ensuring at all times the monitoring of the difference between the constant NAV per unit or share and the NAV per unit or share, a CNAV MMF should also calculate the value of its assets on the basis of the mark to market or mark to model methods.
- (44) As a MMF should publish a NAV that reflects all movements in the value of its assets, the published NAV should be rounded at maximum to the nearest basis point or its equivalent. As a consequence, when the NAV is published in a specific currency, for example €1, the incremental change in value should be done every €0,0001. In the case of a NAV at €100, the incremental change in value should be done every €0,01. Only if the MMF is a CNAV MMF, the MMF can publish a price that does not follow entirely the movements in the value of its assets. In this case the NAV can be rounded to the nearest cent for a NAV at €1 (every €0,01 move).
- (44a) Investors should be clearly informed, before they invest in a MMF, whether the MMF is of a short-term nature or of a standard nature. In order to avoid misplaced expectations from the investor it should also be clearly stated in any marketing document that MMFs are not a guaranteed investment vehicle.**
- (45) In order to be able to **mitigate potential client redemptions in times of severe market stress, all Public Debt CNAV MMFs, Retail CNAV MMFs and LVNAV MMFs should have in place provisions for liquidity fees and redemption gates to prevent significant redemptions in times of market stress and to prevent other investors being unfairly exposed to prevailing market conditions. The liquidity fee should be equivalent to the actual cost of liquidating assets to meet the client redemption during periods of market stress and not a penalty charge over and above what would offset losses imposed on other investors by the redemption.**
- (46) **Public Debt CNAV MMFs and Retail CNAV MMFs should cease to be CNAV MMFs where they cannot meet the minimum amount of weekly liquidity requirements within 30 days of having used the liquidity fees or redemption gates. In that case, the Public Debt or Retail CNAV MMF concerned should automatically convert to a VNAV MMF or be liquidated.**
- (46a) LVNAV MMFs should only be authorised for a period of five years. The Commission should review the appropriateness of LVNAV MMFs four years after the entry into force of this Regulation. The review should consider the impact and implementation of the provisions concerning LVNAV MMFs including the frequency of safeguard mechanisms referred to in this Regulation. The review should also take into consideration the risk to financial stability of the Union financial system and the costs to the economy including to corporates, the MMF sector and the financial sector more broadly. The review should also examine the possibility of LVNAV MMFs being authorised beyond five years or of LVNAV MMFs being authorised indefinitely, and if so, whether changes are required to the regime for LVNAV MMFs.**

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- (47) External support provided to a MMF with **a view to maintaining** either liquidity or stability or de facto having such effects increases the contagion risk between the MMF sector and the rest of the financial sector. Third parties providing such support have an interest in doing so, either because they have an economic interest in the management company managing the MMF or because they want to avoid any reputational damage should their name be associated with the failure of a MMF. Because these third parties do not commit explicitly to providing or guaranteeing the support, there is uncertainty whether such support will be granted when the MMF needs it. In these circumstances, the discretionary nature of sponsor support contributes to uncertainty among market participants about who will bear losses of the MMF when they do occur. This uncertainty likely makes MMFs even more vulnerable to runs during periods of financial instability, when broader financial risks are most pronounced and when concerns arise about the health of the sponsors and their ability to provide support to affiliated MMFs. For these reasons, **external support for MMFs should be prohibited.**
- (48) Investors should be clearly informed, before they invest in a MMF, if the MMF is of a short-term nature or of a standard nature. In order to avoid misplaced expectations from the investor it must also be clearly stated in any marketing document that MMFs are not a guaranteed investment vehicle.
- (48a) Investors should also be informed of sources of access to information on the portfolio of investment and the MMF's levels of liquidity.**
- █
- (50) The competent authority of the MMF should verify whether a MMF is able to comply with this Regulation on an ongoing basis. As the competent authorities are already provided with extensive powers under Directives 2009/65/EC and 2011/61/EU, it is necessary that such powers be extended in order to be exercised by reference to the new common rules on MMFs. The competent authorities for the UCITS or AIF should also verify compliance of all collective investment undertakings that display the characteristics of MMFs that are in existence at the time this Regulation enters into force.
- (50a) During the three years after the entry into force of this Regulation, the Commission should analyse the experience acquired in applying this Regulation and the impact on the different economic aspects attached to MMFs. The debt issued or guaranteed by the Member States represents a distinct category of investment displaying specific credit and liquidity traits. In addition, sovereign debt plays a vital role in financing the Member States. The Commission should evaluate the evolution of the market for sovereign debt issued or guaranteed by the Member States and the possibility of creating a special framework for MMFs that concentrates their investment policy on that type of debt.**
- (51) The Commission should adopt the delegated acts in the area of the internal assessment procedure pursuant to Article 290 of the Treaty on the Functioning of the European Union. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.
- (52) The Commission should also be empowered to adopt implementing technical standards by means of implementing acts pursuant to Article 291 of the Treaty on the Functioning of the European Union and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council⁽¹⁾. ESMA should be entrusted with drafting implementing technical standards for submission to the Commission with regard to a reporting template containing information on MMFs for competent authorities.
- (53) ESMA should be able to exercise all the powers conferred under Directives 2009/65/EC and 2011/61/EU with respect to this Regulation. It is also entrusted with developing draft regulatory and implementing technical standards.
- (54) **During** the three years after the entry into force of this Regulation, **it is essential that** the Commission **analyses** the experience acquired in applying this Regulation and the impacts on the different economic aspects attached to the MMFs. **This review should focus on the effect on the real economy and financial stability of the changes required by this Regulation.**

⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

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- (55) The new uniform rules on MMFs should comply with the provisions of Directive 95/46/EC of the European Parliament and of the Council⁽¹⁾ and with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽²⁾.
- (56) Since the objectives of this Regulation, namely to ensure uniform prudential requirements that apply to MMFs throughout the Union, while taking full account of the need to balance safety and reliability of MMFs with the efficient operation of the money markets and the cost for its various stakeholders, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (57) The new uniform rules on MMFs respect the fundamental rights and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union and notably consumer protection, the freedom to conduct a business and the protection of personal data. The new uniform rules on MMFs should be applied in accordance with those rights and principles,

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter and scope

1. This Regulation lays down rules concerning the financial instruments eligible for investment by a money market fund (MMF), its portfolio and valuation, and the reporting requirements in relation to a MMF established, managed or marketed in the Union.

This Regulation applies to collective investment undertakings that:

- i. require authorisation as UCITS under Directive 2009/65/EC or are AIFs under Directive 2011/61/EU;
 - ii. invest in short term assets;
 - iii. **have** distinct or cumulative objectives offering returns in line with money market rates or preserving the value of the investment.
2. Member States shall not add any additional requirements in the field covered by this Regulation.

Article 1a

Types of CNAV MMF

As from the date of the entry into force of this Regulation, CNAV MMFs shall operate in the Union only as:

- (a) ***a Public Debt CNAV MMF;***
- (b) ***a Retail CNAV MMF; or***
- (c) ***a LVNAV MMF.***

⁽¹⁾ 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 (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and of the free movement of such data (OJ L 8, 12.1.2001, p. 1).

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All references in this Regulation to CNAV MMFs are references to Public Debt CNAV MMFs, Retail CNAV MMFs and LVNAV MMFs, unless otherwise specified.

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) 'short term assets' means financial assets with a residual maturity not exceeding two years;
- (2) 'money market instruments' means **transferable** instruments **referred to** in Article 2(1)(o) of Directive 2009/65/EC **normally dealt in on the money market, including treasury and local authority bills, certificates of deposits, commercial papers, bankers' acceptances or medium- or short-term notes, and also instruments as referred to in Article 3 of Directive 2007/16/EC;**
- (3) 'transferable securities' means transferable securities as defined in Article 2(1)(n) of Directive 2009/65/EC;
- (4) 'repurchase agreement' means any agreement in which one party transfers securities or any rights related to that title to a counterparty, subject to a commitment to repurchase them at a specified price on a future date specified or to be specified;
- (5) 'reverse repurchase agreement' means any agreement in which one party receives securities, or any rights related to a title or security from a counterparty subject to a commitment to sell them back at a specified price on a future date specified or to be specified;
- (6) 'securities lending' and 'securities borrowing' mean any transaction in which an institution or its counterparty transfers securities subject to a commitment that the borrower will return equivalent securities at some future date or when requested to do so by the transferor, that transaction being securities lending for the institution transferring the securities and being securities borrowing for the institution to which they are transferred;
- (7) 'securitisation' means securitisation as defined in Article 4(1)(61) of Regulation (EU) No 575/2013;
- (7a) **'high quality liquid asset backed security' means a qualified asset-backed security meeting the requirements laid down in Article 13 of Commission Delegated Regulation (EU) No ... supplementing Regulation (EU) No 575/2013 with regard to liquidity coverage requirement for Credit Institutions based on Article 460 of Regulation (EU) No 575/2013 defined for a uniform specification to be eligible transferable assets of high liquidity and credit quality according to Article 416(1)(d) of Regulation (EU) No 575/2013;**
- (8) 'corporate debt' means debt instruments issued by an **undertaking** which is effectively engaged in producing or trading in goods or non-financial services;
- (9) '**mark** to market' means the valuation of positions at readily available close out prices that are sourced independently, including exchange prices, screen prices, or quotes from several independent reputable brokers;
- (10) '**mark** to model' means any valuation which has to be benchmarked, extrapolated or otherwise calculated from one or more market input;
- (11) 'amortised cost method' means a valuation method which takes the acquisition cost of an asset and adjusts this value for amortisation of premiums (or discounts) until maturity;
- (12) 'constant Net Assets Value Money Market Fund' (CNAV MMF) means a money market fund that maintains an unchanging value NAV per unit or share; where income in the fund is accrued daily or can either be paid out to the investor, and where assets are generally valued according to the amortised cost method or the NAV is rounded to the nearest percentage point or its equivalent in currency term;

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- (12a) **'Retail Constant Net Asset Value Money Market Fund' (Retail CNAV MMF) means a CNAV MMF that is available for subscription only to charities, non-profit organisations, public authorities and public foundations;**
- (12b) **'Low Volatility Net Asset Value Money Market Fund' (LVNAV MMF) means a MMF that complies with the requirements laid down in Article 27(1) to (4);**
- (13) 'Short-term MMF' means a money market fund that invests in eligible money market instruments referred to in Article 9(1);
- (14) 'Standard MMF' means a money market fund that invests in eligible money market instruments referred to in Article 9(1) and (2);
- (15) 'credit institutions' means credit institution as defined in Article 4(1)(1) of Regulation (EU) No 575/2013;
- (16) 'competent authority of the MMF' means:
- (a) for UCITS the competent authority of the UCITS home Member State designated in accordance with Article 97 of Directive 2009/65/EC;
 - (b) for EU AIF the competent authority of the home Member State of the AIF as defined in Article 4(1)(p) of Directive 2011/61/EU;
 - (c) for non-EU AIF **any of the following:**
 - (i) the competent authority of the Member State where the non-EU AIF is marketed in the Union without a passport;
 - (ii) the competent authority of the EU AIFM managing the non-EU AIF, where the non-EU AIF is marketed in the Union with a passport or is not marketed in the Union;
 - (iii) the competent authority of the Member State of reference if the non-EU AIF is not managed by an EU AIFM and is marketed in the Union with a passport;
- (17) 'MMF home Member State' means the Member State where the MMF is authorised;
- (18) 'weighted average maturity (WAM)' means the average length of time to the legal maturity or, if shorter, to the next interest rate reset to a money market rate, of all the underlying assets in the fund reflecting the relative holdings in each asset;
- (19) 'weighted average life (WAL)' means the average length of time to the legal maturity of all the underlying assets in the fund reflecting the relative holdings in each asset;
- (20) 'legal maturity' means the date when the principal of a security is to be repaid in full and which is not subject to any optionality;
- (21) 'residual maturity' means the length of time to the legal maturity;
- (22) 'short selling' means the uncovered sale of money market instruments;
- (22a) **'public debt CNAV MMF' means a CNAV MMF which invests 99,5 % of its assets in public debt instruments and, by 2020, at least 80 % of its assets in EU public debt instruments, public debt CNAV MMFs should build up this investment in public debt gradually;**

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- (22b) ***‘External support’ means direct or indirect support offered by a third party, including the sponsor of the MMF, that is intended for, or would result in, guaranteeing the liquidity of the MMF or stabilising the NAV per unit or share of the MMF and shall include:***
- (a) *cash from a third party;*
 - (b) *the purchase by a third party of assets of the MMF at an inflated price;*
 - (c) *the purchase by a third party of units or shares of the MMF in order to provide liquidity to the fund;*
 - (d) *the issuance by a third party of any kind of explicit or implicit guarantee, warranty or letter of support for the benefit of the MMF;*
 - (e) *any action by a third party the direct or indirect objective of which is to maintain the liquidity profile and the NAV per unit or share of the MMF;*
- (22c) ***‘EU public debt instruments’ means public debt instruments that are cash or government assets of the Member States, or reverse repurchase agreements secured with public debt of the institutions of the Union or its bodies, offices or agencies, including among others the European Central Bank, the European stability mechanism, the European Investment Bank, the European Investment Fund and the European Fund for Strategic Investments;***
- (22d) ***‘Public Debt instruments’ means cash, government assets or reverse repurchase agreements secured with government debt of any eligible sovereign, as determined by the manager of the MMF.***

Article 3

Authorisation of MMFs

1. No collective investment undertaking shall be established, marketed or managed in the Union as MMF unless it has been authorised in accordance with this Regulation.

Such authorisation shall be valid for all Member States.

2. A collective investment undertaking that requires authorisation as a UCITS under Directive 2009/65/EC shall be authorised as a MMF as part of the authorisation procedure pursuant to Directive 2009/65/EC.

3. A collective investment undertaking that is an AIF shall be authorised as a MMF pursuant to the authorisation procedure laid down in Article 4.

4. No collective investment undertaking shall be authorised as a MMF unless the competent authority of the MMF is satisfied that the MMF will be able to meet all the requirements of this Regulation.

5. For the purposes of authorisation, the MMF shall submit to its competent authority the following documents:

- (a) the fund rules or instruments of incorporation;
- (b) identification of the manager;
- (c) identification of the depositary;
- (d) a description of, or any information on the MMF available to investors;
- (e) a description of, or any information on, the arrangements and procedures needed to comply with the requirements referred to in Chapters II to VII;
- (f) any other information or document requested by the competent authority of the MMF to verify compliance with the requirements of this Regulation.

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6. The competent authorities shall, on a quarterly basis, inform ESMA of authorisations granted or withdrawn pursuant to this Regulation.

7. ESMA shall keep a central public register identifying each MMF authorised under this Regulation, its typology, its manager and the competent authority of the MMF. The register shall be made available in electronic format.

Article 4

Procedure for authorising AIF MMFs

1. An AIF shall be authorised as a MMF only if its competent authority has approved the application of an AIFM authorised under Directive 2011/61/EU to manage the AIF, the fund rules and the choice of the depositary.

2. When submitting the application for managing the AIF the authorised AIFM shall provide the competent authority of the MMF with:

- (a) the written agreement with the depositary;
- (b) information on delegation arrangements regarding portfolio and risk management and administration with regard to the AIF;
- (c) information about the investment strategies, the risk profile and other characteristics of AIFs that the AIFM is authorised to manage.

The competent authority of the MMF may ask the competent authority of the AIFM for clarification and information as regards the documentation referred to in the previous subparagraph or an attestation as to whether MMFs fall within the scope of the AIFM's management authorisation. The competent authority of the AIFM shall respond within 10 working days of the request by the MMF competent authority.

3. Any subsequent modifications of the documentation referred to in paragraph 2 shall be immediately notified by the AIFM to the competent authority of the MMF.

4. The competent authority of the MMF may refuse the application of the AIFM only if:

- (a) the AIFM does not comply with this Regulation;
- (b) the AIFM does not comply with Directive 2011/61/EU;
- (c) the AIFM is not authorised by its competent authority to manage MMFs;
- (d) the AIFM has not provided the documentation referred to in paragraph 2.

Before refusing an application the competent authority of the MMF shall consult the competent authority of the AIFM.

5. Authorisation of the AIF as a MMF shall not be subject either to a requirement that the AIF be managed by an AIFM authorised in the AIF home Member State or that the AIFM pursue or delegate any activities in the AIF home Member State.

6. The AIFM shall be informed within two months of the submission of a complete application, whether or not authorisation of the AIF as MMF has been granted.

7. The competent authority of the MMF shall not grant authorisation if the AIF is legally prevented from marketing its units or shares in its home Member State.

Article 5

Use of designation as MMF

1. A UCITS or AIF shall use the designation 'money market fund' or 'MMF' in relation to itself or the units or shares it issues only where the UCITS or AIF has been authorised in accordance with this Regulation.

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A UCITS or AIF shall use a designation that suggests a money market fund or use terms such as 'cash', 'liquid', 'money', 'ready assets', 'deposit-like' or similar words only where they have been authorised in accordance with this Regulation.

2. The use of the designation 'money market fund', 'MMF' or of a designation that suggests a MMF or the use of terms referred to in paragraph 1 shall comprise its use in any external or internal documents, reports, statements, advertisements, communications, letters or any other material addressed to or intended for distribution to prospective investors, unit-holders, shareholders or competent authorities in written, oral, electronic or any other form.

Article 6

Applicable rules

1. A MMF shall comply at all times with the provisions of this Regulation.
2. A MMF which is a UCITS and its manager shall comply at all times with the requirements of Directive 2009/65/EC, unless otherwise specified in this Regulation.
3. A MMF which is an AIF and its manager shall comply at all times with the requirements of Directive 2011/61/EU, unless otherwise specified in this Regulation.
4. The manager of the MMF shall be responsible for ensuring compliance with this Regulation. The manager shall be liable for any loss or damage resulting from non-compliance with this Regulation.
5. This Regulation shall not prevent MMFs from applying investment limits that are stricter than those required by this Regulation.

Chapter II

Obligations concerning the investment policies of MMFs

Section I

General rules and eligible assets

Article 7

General principles

1. Where a MMF comprises more than one investment compartment, each compartment shall be regarded as a separate MMF for the purposes of Chapters II to VII.
2. MMFs authorised as UCITS shall not be subject to the obligations concerning investment policies of UCITS laid down in Articles 49, 50, 50a, 51(2), and 52 to 57 of Directive 2009/65/EC, unless explicitly specified otherwise in this Regulation.

Article 8

Eligible assets

1. A MMF shall invest only in one or more of the following categories of financial assets and only under the conditions specified in this Regulation:
 - (a) money market instruments;
 - (aa) ***financial instruments issued or guaranteed separately or jointly by the national, regional and local administrations of the Member States or their central banks, by the institutions, bodies, offices or agencies of the Union, including among others the European Central Bank, or by the European Investment Bank, the European Investment Fund, the new European Fund for Strategic Investments or the European stability mechanism, the International Monetary Fund, the International Bank for Reconstruction and Development, the Council of Europe Development Bank and the European Bank for Reconstruction and Development;***

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- (b) deposits with credit institutions;
 - (c) **eligible** derivative instruments **used exclusively for hedging purposes**;
 - (d) reverse repurchase agreements **or repurchase agreements provided that all the following conditions are fulfilled**:
 - (i) **assets used as collateral are not sold, re-invested or pledged**;
 - (ii) **the repurchase agreement is used on a temporary basis and not for investment purposes**;
 - (iii) **the MMF has the right to terminate the agreement at any time upon giving notice of no more than two working days**;
 - (iv) **the cash received by the MMF as part of repurchase agreements does not exceed 10 % of its assets and is not transferred, re-invested or otherwise reused**;
2. A MMF shall not undertake any of the following activities:
- (a) investing in assets other than those referred to in paragraph 1;
 - (b) short-selling money market instruments;
 - (c) taking direct or indirect exposure to **exchange-traded funds (ETFs), equities** or commodities, including via derivatives, certificates representing them, indices based on them or any other **means** or **instruments** that would give an exposure to them;
 - (d) entering into securities lending agreements or securities borrowing agreements, **■** or any other agreement that would encumber the assets of the MMF;
 - (e) borrowing and lending cash;
 - (ea) **investing in other MMFs**.

Article 9

Eligible money market instruments

1. A money market instrument shall be eligible for investment by a MMF provided that it fulfils all of the following requirements:
- (a) it falls within one of the categories of money market instruments referred to in Article 50(1)(a), (b), (c) or (h) of Directive 2009/65/EC.
 - (b) it displays one of the following alternative characteristics:
 - (i) it has a legal maturity at issuance of 397 days or less;
 - (ii) it has a residual maturity of 397 days or less; **or**
 - (iii) **it is eligible as high quality liquid asset backed security as referred to in Article 2(7a)**.
 - (c) the issuer of the money market instrument has been awarded one of the two highest internal rating grades according to the rules laid down in **Article 18** of this Regulation.

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(d) Where it takes exposure to a securitisation, it shall be subject to the additional requirements laid down in Article 10.

2. Standard MMFs shall be allowed to invest in a money market instrument that undergoes regular yield adjustments in line with money market conditions every 397 days or on a more frequent basis while not having a residual maturity exceeding **two** years.

3. Paragraph 1(c) shall not apply to money market instruments issued or guaranteed by a central authority or central bank of a Member State, the European Central Bank, the Union, the European stability mechanism or the European Investment Bank.

Article 10

Eligible securitisations

1. A securitisation shall be **eligible** provided that all of the following conditions are met:

(a) the underlying exposure or pool of exposures consists exclusively of **eligible** debt **and is sufficiently diversified**;

(b) the underlying **eligible** debt is of high credit quality and liquid;

(c) the underlying **eligible** debt has a legal maturity at issuance of 397 days or less; or has a residual maturity of 397 days or less.

1a. High quality liquid asset backed securities referred to in Article 2(7a) shall be considered to be eligible securitisations.

1b. Asset Backed Commercial Papers shall be considered to be eligible securitisations provided that they are liquid as referred to in Regulation (EU) No 575/2013 and that the underlying exposures are of high credit quality.

2. **The Commission shall, by [6 months following publication of this Regulation] adopt delegated acts in accordance with Article 44 concerning the specification of the criteria for identifying simple, transparent and standardised securitisation with regard to each of the following aspects:**

(a) the conditions and circumstances under which the underlying exposure or pool of exposures is considered to exclusively consist of **eligible** debt **and whether it is considered to be sufficiently diversified**;

(b) conditions and numerical thresholds determining when **the underlying** debt is of high credit quality and liquid;

(ba) **the transparency requirements of the securitisation and its underlying assets.**

In doing so, the Commission shall ensure consistency with the delegated acts adopted under Article 460 of Regulation (EU) No 575/2013 and Article 135(2) of Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), and shall take into account the specific characteristics of securitisations with maturities at issuance of less than 397 days.

In addition, the Commission shall by [6 months following publication of this Regulation] adopt delegated acts specifying the criteria for identifying debt of high credit quality and liquid asset backed commercial papers with regard to paragraph 1a. In doing so, the Commission shall ensure consistency with and support the respective work streams of the EBA.

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Article 11

Eligible deposits with credit institutions

A deposit with a credit institution shall be eligible for investment by a MMF provided that all of the following conditions are fulfilled:

- (a) the deposit is repayable on demand or may be withdrawn at any time;
- (b) the deposit matures in no more than 12 months;
- (c) the credit institution has its registered office in a Member State or, where the credit institution has its registered office in a third country it is subject to prudential rules considered equivalent to those laid down in Union law in accordance with the procedure laid down in Article 107(4) of Regulation (EU) No 575/2013.

Article 12

Eligible financial derivative instruments

A financial derivative instrument shall be eligible for investment by a MMF if it is dealt in on a regulated market referred to in Article 50(1)(a), (b) or (c) of Directive 2009/65/EC **or is subject to the clearing obligation provided for by Regulation (EU) No 648/2012**, provided that all of the following conditions are fulfilled:

- (a) the underlying of the derivative instrument consists of interest rates, foreign exchange rates, currencies or indices representing one of these categories;
- (b) the derivative instrument serves only the purpose of hedging the duration and exchange risks inherent to other investments of the MMF;
- (c) the counterparties to derivative **instruments** are institutions subject to prudential regulation and supervision and belonging to the categories approved by the competent authorities of the MMF's home Member State;
- (d) the derivatives are subject to reliable and verifiable valuation on a daily basis and can be sold, liquidated or closed by an offsetting transaction at any time at their fair value at the MMF's initiative.

Article 13

Eligible reverse repurchase agreements

1. A reverse repurchase agreement shall be eligible to be entered into by a MMF provided that all of the following conditions are fulfilled:

- (a) the MMF has the right to terminate the agreement at any time upon **giving** notice of **no more than** two working days;
- (b) the market value of the assets received as part of the reverse repurchase agreement is at all times at least equal to the value of the cash **distributed**.

2. The assets received by the MMF as part of a reverse repurchase agreement shall be money market instruments **as set out in** Article 9.

3. Securitisations as defined in Article 10 shall not be received by the MMF as part of a reverse repurchase agreement. █

4. The assets received by the MMF as part of a reverse repurchase agreement shall be included for the purpose of calculating the limits on diversification and concentration laid down in this Regulation. **These assets shall not be sold, reinvested, pledged or otherwise transferred.**

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5. By way of derogation from paragraph 2, a MMF may receive as part of a reverse repurchase agreement liquid transferable securities or money market instruments other than those **set out in** Article 9 provided that those assets comply with one of the following conditions:

- (a) they are of high credit quality and they are issued or guaranteed by a central authority or central bank of a Member State, the European Central Bank, the Union, the European stability mechanism, the European Investment Bank;
- (b) they are issued or guaranteed by a central authority or central bank of a third country, provided that the third country issuer of the asset **passes the** internal **assessment** according to the rules laid down in Articles 16 to 19.

The assets received as part of a reverse repurchase agreement according to the first subparagraph shall be disclosed to the MMF investors.

The assets received as part of a reverse repurchase agreement according to the first subparagraph shall be subject to the rules laid down in Article 14(6).

5a. A MMF may borrow or enter into repurchase agreements, provided that all of the following conditions are met:

- (a) **the repurchase agreement is used on a temporary basis, for a maximum of seven working days, and is not used for investment purposes;**
- (b) **the sum of repurchase agreements shall not exceed 10 % of the assets of the MMF concerned and shall not be invested in eligible assets;**
- (c) **the MMF shall have the right to terminate the agreement at any time upon giving notice of no more than two working days;**
- (d) **cash collateral received shall only be:**
 - **placed on deposit with entities prescribed in Article 50(f) of the UCITS Directive;**
 - **invested in high-quality government bonds;**
 - **used for the purpose of reverse repurchase transactions, provided the transactions are with credit institutions subject to prudential supervision and the UCITS is able to recall at any time the full amount of cash on accrued basis;**
 - **invested in short-term money market funds as defined in the Guidelines on a Common Definition of European Money Market Funds.**

Re-invested cash collateral shall be diversified in accordance with the diversification requirements applicable to non-cash collateral. The prospectus shall clearly inform investors of the collateral policy of the UCITS, including, in the case of cash collateral, the re-investment policy of the UCITS and the risks arising therefrom.

Section II

Provisions on Investment Policies

Article 14

Diversification

1. A MMF shall invest no more than 5 % of its assets in any of the following:

- (a) money market instruments issued by the same body;

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- (b) deposits made with the same credit institution;
2. The aggregate of all exposures to securitisations shall not exceed 10 % of the assets of a MMF.
3. The aggregate risk exposure to the same counterparty of the MMF stemming from **■** derivative transactions shall not exceed 5 % of its assets.
4. The aggregate amount of cash provided to the same counterparty of a MMF in reverse repurchase agreements shall not exceed **10 %** of its assets.
5. Notwithstanding the individual limits laid down in paragraphs 1 and 3, neither **a public debt MMF** nor **a standard MMF** shall combine, where this would lead to investment of more than **8 %** of its assets in a single body, any of the following:
- (a) investments in money market instruments issued by that body;
- (b) deposits made with that body;
- (c) **■** financial derivative instruments giving counterparty risk exposure to that body.
6. By way of derogation from paragraph 1(a), a competent authority may authorise a MMF to invest in accordance with the principle of risk-spreading up to 100 % of its assets in different money market instruments issued or guaranteed by a central, regional or local authority or central bank of a Member State, the European Central Bank, the Union, the European stability mechanism or the European Investment Bank, a central authority or central bank of a third country, or by a public international body to which one or more Member States belong.
- The first subparagraph shall only apply where all of the following requirements are met:
- (a) the MMF holds money market instruments from at least six different issues by the respective issuer;
- (b) the MMF limits the investment in money market instruments from the same issue to maximum 30 % of its assets;
- (c) the MMF makes express mention in the fund rules or instruments of incorporation of the central, regional or local **authorities** or central **banks** of **■** Member **States**, the European Central Bank, the Union, the European stability mechanism or the European Investment Bank, **the European Investment Fund, the European Fund for Strategic Investments**, a central authority or central bank of a third country, **public debt instruments, the International Monetary Fund, the International Bank for Reconstruction and Development, the Bank for International Settlements, the Council of Europe Development Bank, the European Bank for Reconstruction and Development or any other international organisation** to which one or more Member States belong issuing or guaranteeing money market instruments in which it intends to invest more than 5 % of its assets;
- (d) the MMF includes a prominent statement in its prospectus and marketing communications drawing attention to the use of this derogation and indicating the central, regional or local authorities or **central banks** of Member **States**, the European Central Bank, the Union, the European stability mechanism, the European Investment Bank, **the European Investment Fund, the European Fund for Strategic Investments**, a central authority or central bank of a third country, **the International Monetary Fund, the International Bank for Reconstruction and Development, the Bank for International Settlements or any other international organisation** to which one or more Member States belong issuing or guaranteeing money market instruments in which it intends to invest more than 5 % of its assets.
7. Companies which are included in the same group for the purposes of consolidated accounts, as regulated by Council Directive 83/349/EEC ⁽¹⁾ or in accordance with recognised international accounting rules, shall be regarded as a single body for the purpose of calculating the limits referred to in paragraphs 1 to 5.

⁽¹⁾ Seventh Council Directive 83/349/EEC of 13 June 1983 based on the Article 54 (3) (g) of the Treaty on consolidated accounts (OJ L 193, 18.7.1983, p. 1).

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Article 15

Concentration

1. A MMF may not hold more than 5 % of the money market instruments issued by a single body.
2. The limit laid down in paragraph 1 shall not apply in respect of holdings of money market instruments issued or guaranteed by a central, regional or local authority or central bank of a Member State, the European Central Bank, the Union, the European stability mechanism or the European Investment Bank, a central authority or central bank of a third country, or the public international body to which one or more Member States belongs.

SECTION III

CREDIT QUALITY OF MONEY MARKET INSTRUMENTS

Article 16

Internal assessment procedure

1. A manager of a MMF shall establish, implement and apply a prudent internal assessment procedure for determining the credit quality of money market instruments, taking into account the issuer of the instrument and the characteristics of the instrument itself.

1a. A manager of a MMF shall ensure that the information used in applying the internal assessment procedure is of sufficient quality, up-to-date and from reliable sources.

2. The internal assessment procedure shall be based on prudent, systematic and continuous assignment methodologies. The methodologies used shall be subject to validation by the manager of the MMF based on historical experience and empirical evidence, including back testing.

3. The internal assessment procedure shall comply with the following **general principles**:

- (a) **it shall establish** an effective process to obtain and update relevant information on issuer characteristics;
- (b) a manager of a MMF shall adopt and implement adequate measures to ensure that the **credit assessment** is based on a thorough analysis of the information that is available and pertinent, and includes all relevant driving factors that influence the creditworthiness of the issuer;
- (c) a manager of a MMF shall monitor its **internal assessment procedure** on an ongoing basis and review all **credit assessments every six months**. That manager shall **reconsider its internal assessment** every time there is a material change that could have an impact on **its credit assessment of the issuer**;
- (d) **in applying its internal assessment procedure, a manager of a MMF shall do so subject to, and in accordance with, Regulation (EU) No 462/2013**;
- (e) **credit assessment** methodologies shall be reviewed **by the manager of a MMF** at least **every six months** to determine whether they remain appropriate for the current portfolio and external conditions **and the review shall be transmitted to competent authorities**;
- (f) when methodologies, models or key rating assumptions used in the internal assessment procedures are changed, the manager of a MMF shall review all affected internal credit **assessments** as soon as possible ;

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- (g) **internal credit assessments** and their periodic reviews by the manager of a MMF shall not be performed by persons performing or responsible for the portfolio management of the MMF.

Article 17

Internal **credit assessment procedure**

1. Each issuer of a money market instrument in which a MMF intends to invest shall be **issued a credit assessment** pursuant to the **credit assessment procedure, established in conformity with the** internal assessment procedure.
2. The structure of the **credit assessment procedure** shall comply with **■** the following **general principles**:
 - (a) **the procedure shall consider** quantification of the credit risk of the issuer **taking into account the relative risk of default**;
 - (b) **the procedure shall consider** the credit risk of an issuer and **document the** criteria used to **determine the** level of credit risk;
 - (c) the **procedure** shall take into account the short-term nature of money market instruments.
3. The **credit assessment** referred to in **paragraph 1 shall be based upon criteria fulfilling** the following requirements:
 - (a) comprise at least quantitative and qualitative indicators on the issuer of the instrument, and the macro-economic and financial market situation;
 - (b) refer to the common numerical and qualitative reference values used to assess the quantitative and qualitative indicators;
 - (c) be adequate for the particular type of issuer. At least the following types of issuers shall be distinguished: sovereign, regional or local public authority, financial corporations, and non-financial corporations;
 - (d) in case of exposure to securitisations, take into account the credit risk of the issuer, the structure of the securitisation and the credit risk of the underlying assets.

Article 18

Documentation

1. A manager of a MMF shall document its internal assessment procedure and the internal rating system. Documentation shall include:
 - (a) the design and operational details of its internal assessment procedures and internal rating systems in a manner that allows competent authorities to understand the assignment to specific grades and to evaluate the appropriateness of an assignment to a grade;
 - (b) the rationale for and the analysis supporting the manager's choice of the rating criteria and of its frequency of review. This analysis shall include the parameters, the model and the limits of the model used to choose the rating criteria;
 - (c) all major changes in the internal assessment procedure, including identification of the triggers of changes;
 - (d) the organisation of the internal assessment procedure, including the rating assignment process and the internal control structure;
 - (e) complete internal rating histories on issuers and recognised guarantors;
 - (f) the dates of assignment of internal ratings;

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(g) the key data and methodology used to derive the internal rating, including key rating assumptions;

(h) the person or persons responsible for the internal rating assignment.

2. The internal assessment procedure shall be detailed in the fund rules or rules of incorporation of the MMF and all documents referred to in paragraph 1 shall be made available upon request by the competent authorities of the MMF and the competent authorities of the manager of the MMF.

Article 19

Delegated acts

The power to adopt delegated acts is conferred on the Commission in accordance with Article 44 specifying the following points:

(a) the conditions under which the assignment methodologies are deemed to be prudent, systematic and continuous and the conditions of the validation, referred to in Article 16(2);

(b) the definitions of each grade with respect to the quantification of the credit risk of an issuer referred to in Article 17(2) (a), and the criteria to determine the quantification of the credit risk referred to in Article 17(2)(b);

(c) the precise reference values for each qualitative indicator and the numerical reference values for each quantitative indicator. These reference values of the indicators shall be specified for each rating grade taking into account the criteria in Article 17(3);

(d) the meaning of material change as referred to in Article 16(3)(c).

Article 20

Governance of the credit quality assessment

1. The internal assessment procedures shall be approved by the senior management, the governing body, and, where it exists, the supervisory function of the manager of the MMF.

These parties shall have a good understanding of the internal assessment procedures, the internal rating systems and the assignment methodologies of the manager and detailed comprehension of the associated reports.

2. Internal ratings-based analysis of the MMF's credit risk profile shall be an essential part of the reporting to the parties referred to in paragraph 1. Reporting shall include at least the risk profile by grade, migration across grades, estimation of the relevant parameters per grade, and comparison of realised default rates. Reporting frequencies shall depend on the significance and type of information and shall be at least annual.

3. Senior management shall ensure, on an on-going basis that the internal assessment procedure is operating properly.

Senior management shall be regularly informed about the performance of the internal assessment process, the areas where deficiencies were identified, and the status of efforts and actions taken to improve previously identified deficiencies.

Chapter III

Obligations concerning the risk management of MMFs

Article 21

Portfolio rules for short-term MMFs

A short-term MMF shall comply at all times with all of the following portfolio requirements:

(a) its portfolio shall have a WAM of no more than 60 days;

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- (b) its portfolio shall have a WAL of no more than 120 days;
 - (c) at least 10 % of its assets shall be comprised of daily maturing assets. A short-term MMF shall not acquire any asset other than a daily maturing asset when such acquisition would result in the short-term MMF investing less than 10 % of its portfolio in daily maturing assets;
 - (d) at least 20 % of its assets shall be comprised of weekly maturing assets. A short-term MMF shall not acquire any asset other than a weekly maturing asset when such acquisition would result in the short-term MMF investing less than 20 % of its portfolio in weekly maturing assets. **For the purpose of this calculation, money market instruments may be included within the weekly maturing assets up to 5 % providing they may be sold for settlement within the next five working days.**
- (da) *The daily and weekly liquidity requirements referred to in paragraph (c) and (d) shall be increased respectively by:*
- *5 % of the assets of the MMF valued using amortized cost accounting;*
 - *10 % of the assets of the MMF valued using amortized cost accounting.*

Article 22

Portfolio rules for standard MMFs

1. A standard MMF shall comply with all of the following requirements:
 - (a) its portfolio shall have at all times a WAM of no more than 6 months;
 - (b) its portfolio shall have at all times a WAL of no more than 12 months;
 - (c) at least 10 % of its assets shall be comprised of daily maturing assets. A standard MMF shall not acquire any asset other than a daily maturing asset when such acquisition would result in the standard MMF investing less than 10 % of its portfolio in daily maturing assets;
 - (d) at least 20 % of its assets shall be comprised of weekly maturing assets. A standard MMF shall not acquire any asset other than a weekly maturing asset when such acquisition would result in the standard MMF investing less than 20 % of its portfolio in weekly maturing assets. **For the purpose of this calculation, money market instruments may be included within the weekly maturing assets up to 5 % providing they may be sold for settlement within the next five working days.**
- (da) *The daily and weekly liquidity requirements referred to in paragraph (c) and (d) shall be increased respectively by:*
 - *5 % of the assets of the MMF valued using amortized cost accounting;*
 - *10 % of the assets of the MMF valued using amortized cost accounting.*
2. A standard MMF may invest up to 10 % of its assets in money market instruments issued by a single body.

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3. Notwithstanding the individual limit laid down in paragraph 2 **and by way of derogation**, a standard MMF may combine, where this would lead to investment of up to 15 % of its assets in a single body, any of the following:

- (a) investments in money market instruments issued by that body;
- (b) deposits made with that body;
- (c) **■** financial derivative instruments giving counterparty risk exposure to that body.

4. All portfolio assets that a standard MMF invests in according to paragraphs 2 and 5 shall be disclosed to MMF investors.

5. A standard MMF shall not take the form of a CNAV MMF.

Article 23

MMF credit ratings

Where a MMF seeks an external credit rating, this shall be subject to, and carried out in accordance with, Regulation (EU) No 462/2013.

Article 24

'Know your customer' policy

1. The manager of the MMF shall establish, implement and apply procedures and exercise all due diligence to identify the number of investors in a MMF, their needs and behaviour, the amount of their holdings with a view to correctly anticipate the effect of concurrent redemptions by several investors, **taking into account at least the type of investor, the number of shares in the fund owned by a single investor and the evolution of inflows and outflows**. To this effect the manager of the MMF shall consider at least the following factors:

- (a) identifiable patterns in investor cash needs;
- (b) the **investor type**;
- (c) the risk aversion of the different investors;
- (d) the degree of correlation or close links between different investors in the MMF;
- (da) **the cyclical evolution of the number of shares in the MMF.**

1a. Where the MMF investors route their investments via an intermediary, the MMF manager shall seek, and the intermediary shall provide, data allowing the manager of the MMF to manage appropriately the liquidity and investor concentration of the MMF.

2. The manager of the MMF shall ensure that:

- (a) the value of the units or shares held by a single investor does not exceed at any time the value of daily maturing assets;
- (b) redemption by an investor does not materially impact the liquidity profile of the MMF.

Article 25

Stress testing

1. For each MMF there shall be in place sound stress testing processes that allow identifying possible events or future changes in economic conditions that could have unfavourable effects on the MMF. The manager of a MMF shall regularly conduct stress testing and develop action plans for different possible scenarios. **In addition, in the case of LVNAV MMFs, the stress tests shall estimate for different scenarios the difference between the constant NAV per unit or share and the actual NAV per unit or share.**

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The stress tests shall be based on objective criteria and consider the effects of severe plausible scenarios. The stress test scenarios shall at least take into consideration reference parameters **that include** the following factors:

- (a) hypothetical changes in the level of liquidity of the assets held in the portfolio of the MMF;
- (b) hypothetical changes in the level of credit risk of the assets held in the portfolio of the MMF, including credit events and rating events;
- (c) hypothetical movements of the interest rates;
- (d) hypothetical levels of redemption;
- (da) **hypothetical widening or narrowing of spreads among indexes to which interest rates of portfolio securities are tied;**
- (db) **hypothetical macro systemic shocks affecting the economy as a whole.**

2. In addition, in the case of **Public debt CNAV MMFs and Retail CNAV MMFs**, the stress tests shall estimate for different scenarios the difference between the constant NAV per unit or share and the NAV per unit or share. **Based on the outcomes of the stress test, the manager of the MMF shall develop recovery plans for different possible scenarios. The recovery plans shall be approved by the competent authorities.**

4. Stress tests shall be conducted at a frequency determined by the board of directors of the MMF, after considering what an appropriate and reasonable interval in light of the market conditions is and after considering any envisaged changes in the portfolio of the MMF. Such frequency shall be at least **quarterly**.

4a. Where the stress test reveals any vulnerability of the MMF, the manager of the MMF shall take action to strengthen the robustness of the MMF, including actions that reinforce the liquidity or the quality of the assets of the MMF and shall immediately inform the competent authority of the measures taken.

5. An extensive report with the results of the stress testing **and a proposed action plan** shall be submitted for examination to the board of directors of the MMF. The board of directors shall amend the proposed action plan if necessary and approve the final action plan. **The report shall be maintained for a period of at least five years.**

6. The report **referred to in paragraph 5** shall be submitted to the competent **authority** of the MMF. The competent authorities shall send the report to ESMA.

Chapter IV

Valuation rules and Accounting Treatment

Article 26

Valuation of MMF's assets

1. The assets of a MMF shall be valued at least on a daily basis. **The result of this valuation shall be published daily on the website of the MMF. Without prejudice to Article 27(4)(a) and (b) the valuation shall be undertaken by an independent third party using the mark-to-market or the mark-to-model methods. It shall not be undertaken by the MMF itself, its related asset manager or its sponsor.**

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2. **Without prejudice to Article 27(4)(b) the** assets of a MMF shall be valued by using mark-to-market whenever possible.

3. When **using the mark-to-market valuation method**, the assets shall be valued at the more prudent side of bid and offer unless the institution can close out at mid-market. When **using the mark-to-market valuation method**, only quality market data **provided by recognised independent pricing vendors** shall be used **provided it does not unduly prejudice same day settlement**. The quality of the market data shall be assessed on the basis of all of the following factors:

- (a) the number and quality of the counterparties;
- (b) the volume and turnover in the market of that asset;
- (c) the issue size and the portion of the issue that the MMF plans to buy or sell.

4. Where **use of the mark-to-market valuation method** is not possible or **the** market data **is** not of sufficient quality, an asset of a MMF shall be valued conservatively by using **the mark-to-model valuation method**. The model shall accurately estimate the intrinsic value of the asset, based on the following up to date key factors:

- (a) the volume and turnover in the market of that asset;
- (b) the issue size and the portion of the issue that the MMF plans to buy or sell;
- (c) market risk, interest rate risk, credit risk attached to the asset.

When **using the mark-to-model valuation method, the amortised cost valuation method** shall **not** be used.

When using the mark-to-model valuation method, only pricing data provided by recognised independent pricing vendors may be used and the model's pricing methodology shall be subject to approval by the competent authority of the MMF.

5. **By way of derogation from paragraphs 1 to 4** the assets of a **Public Debt CNAV MMF and a Retail CNAV MMF** may be valued using the amortised cost method **for valuation of assets**.

Article 27

Calculation of NAV per unit or share

1. **Without prejudice to Article 2(13b), the actual NAV** per unit or **share** shall be calculated as the difference between the sum of all assets of a MMF and the sum of all liabilities of the MMF **and shall be** valued in accordance with the **mark-to-market or mark-to-model** methods, divided by the number of outstanding units or shares of the MMF.

The first sub paragraph shall apply to all MMFs including LVNAV MMFs, public debt CNAV MMFs and retail CNAV MMFs.

2. The **actual** NAV per unit or share shall be rounded to the nearest basis point or its equivalent when the NAV is published in a currency unit.

3. The **actual** NAV per unit or share of a MMF shall be calculated at least daily.

4. **In addition to calculating the actual NAV per unit or share in accordance with paragraphs 1 to 3, a LVNAV MMF may also display a constant NAV per unit or share providing that all of the following conditions are fulfilled:**

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- (a) *use of the amortised cost method for valuation for assets with a residual maturity below 90 days; all assets with a residual maturity exceeding 90 days shall be priced using mark-to-market or mark-to-model prices;*
 - (b) *for valuation purposes the assets are rounded to two decimal places provided that the constant NAV per unit or share does not deviate from its actual NAV by more than 20 basis points and to four decimal places thereafter;*
 - (c) *redeem or subscribe at the constant NAV per unit or share providing that the constant NAV per unit or share does not deviate from its actual NAV by more than 20 basis points;*
 - (d) *redeem or subscribe at the actual NAV per unit or share which shall be rounded to 4 decimal places, or less where the constant NAV deviates from the actual NAV by more than 20 basis points;*
 - (e) *potential investors are clearly warned in writing prior to the conclusion of the contract of the circumstances in which the fund will no longer redeem or subscribe at a constant NAV;*
 - (f) *the difference between the constant NAV per unit or share and the actual NAV per unit or share is continuously monitored and published daily on the website of the MMF.*
5. *Four years after the entry into force of this Regulation, the Commission shall undertake a review of the impact and implementation of this Regulation including the frequency of safeguard mechanisms employed as referred to in Article 27 (4)(d) and present it to the European Parliament and Council.*

Authorisations granted to LVNAVs within the scope of this Regulation shall lapse, five years after the date of the entry into force of this Regulation.

The Commission shall examine whether or not systemic risk as well as any threat to the financial stability of the whole or part of the Union financial system has been properly addressed by the LVNAV MMF. In line with the findings of this review and the impact on financial stability, the Commission shall make legislative proposals according to the first subparagraph, including examining the possibility of deleting the second sub-paragraph.

Article 28

Issue and redemption price

1. The units or shares of a MMF, **except for a LVNAV MMF which shall be subject to Article 27(4)**, shall be issued or redeemed at a price that is equal to the MMF's NAV per unit or share.
2. By way of derogation from paragraph 1, the units or shares of a **Retail CNAV MMF and a Public Debt CNAV MMF** shall be issued or redeemed at a price that is equal to the MMF's constant NAV per unit or share.

Chapter Va

Specific requirements for Public Debt CNAV MMFs, Retail CNAV MMFs and LVNAV MMFs

Article 34a

Additional requirements for Public Debt CNAV MMFs and Retail CNAV MMFs

A MMF shall not use the amortised cost method for valuation, or advertise a constant NAV per unit or share, or round the constant NAV per unit or share to the nearest percentage point or its equivalent when the NAV is published in a currency unit unless it has been explicitly authorised as a public debt or retail CNAV MMF or unless it is a LVNAV MMF subject to Article 27(4).

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Article 34b

Liquidity Fees and Redemption Gates for Public Debt CNAV MMFs, Retail CNAV MMFs and LVNAV MMFs

1. *The manager of a Public Debt CNAV MMF or a Retail CNAV MMF or LVNAV MMF shall establish, implement and consistently apply a prudent, rigorous, systematic and continuous internal assessment procedure for determining the weekly liquidity thresholds applicable to the MMFs. In managing the weekly liquidity thresholds, the following procedures shall apply:*

(a) *Whenever the proportion of weekly maturing assets falls below 30 % of the total assets of the MMF, the manager and the board of the MMF shall comply with the following:*

(i) *The Manager shall immediately inform the board of the MMF. The board of the MMF shall undertake a documented assessment of the situation to determine the appropriate course of action taking into account the interests of the investors in the MMF and shall decide whether to apply one or more of the following measures:*

— *liquidity fees on redemptions that adequately reflect the cost to the MMF of achieving liquidity and ensure that investors who remain in the fund are not unfairly disadvantaged when other investors redeem their units or shares during the period;*

— *redemption gates which limit the amount of shares or units to be redeemed on any one working day to 10 % of the shares or units in the MMF for any period up to 15 working days;*

— *suspension of redemptions for any period up to 15 working days; or*

— *take no immediate action.*

(b) *Whenever the proportion of weekly maturing assets falls below 10 % of the total assets of the MMF, the manager and the board of the MMF shall comply with the following:*

(i) *The manager shall immediately inform the board of the MMF. The board of the MMF shall undertake a documented assessment of the situation to determine the appropriate course of action taking into account the interests of the investors in the MMF and shall decide whether to apply one or more of the following measures:*

— *liquidity fees on redemptions that adequately reflect the cost to the MMF of achieving liquidity and ensure that investors who remain in the fund are not unfairly disadvantaged when other investors redeem their units or shares during the period;*

— *a suspension of redemptions for a period of up to 15 days;*

(c) *After the board of the MMF has determined its course of action in each of (a) and (b) above, it shall promptly provide details of its decision to the competent authority of the MMF.*

Chapter VI

External support

Article 35

External support

1. A **MMF shall** not receive external support **.**

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3. External support shall mean a direct or indirect support offered by a third party, **including the sponsor of the MMF**, that is intended for or in effect would result in guaranteeing the liquidity of the MMF or stabilising the NAV per unit or share of the MMF.

External support shall include:

- (a) cash injections from a third party;
- (b) purchase by a third party of assets of the MMF at an inflated price;
- (c) purchase by a third party of units or shares of the MMF in order to provide liquidity to the fund;
- (d) issuance by a third party of any kind of explicit or implicit guarantee, warranty or letter of support for the benefit of the MMF;
- (e) any action by a third party the direct or indirect objective of which is to maintain the liquidity profile and the NAV per unit or share of the MMF.

Chapter VII

Transparency requirements

Article 37

Transparency

1. **Investors in a MMF shall, at least weekly, receive the following information:**

- (a) **the liquidity profile of the MMF including the cumulative percentage of investments maturing overnight and within one week and how that liquidity is achieved;**
- (b) **the credit profile and portfolio composition;**
- (c) **the WAM and WAL of the MMF;**
- (d) **the cumulative concentration of the top five investors in the MMF.**

2. **In addition to complying with the requirements of paragraph 1, Public Debt CNAV MMFs, Retail CNAV MMFs and LVNAV shall also make the following information available to their investors:**

- (a) **the total value of assets;**
- (b) **the WAM and the WAL;**
- (c) **the maturity breakdown;**
- (d) **the proportion of assets in the portfolio reaching maturity in one day;**
- (e) **the proportion of assets in the portfolio reaching maturity in one week;**
- (f) **the net yield;**
- (g) **the daily indicative value at the market rate to four decimal places;**
- (h) **details of the assets held in the MMF's portfolio, such as the name, country, maturity and asset type (including details on the counterparty in the case of resale agreements);**

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(i) *the NAV as published on its website.*

3. *An MMF shall make available on a regular basis information on the proportion of its overall portfolio that consists of:*

(a) *money market instruments issued by the MMF sponsor;*

(b) *if applicable, securitisations issued by the MMF sponsor;*

(c) *if the sponsor is a credit institution, cash deposits with the MMF sponsor; and*

(d) *exposure to the MMF sponsor as a counterparty to OTC derivative transactions.*

4. *In the event that a MMF sponsor invests in the shares or units of the MMF, the fund shall disclose to the other investors in the MMF the total amount the sponsor has invested in the MMF, and shall subsequently notify the other investors of any change to the total shares or units held.*

■

Article 38

Reporting to competent authorities

1. For each MMF managed, the manager of the MMF shall report information to the competent authority of the MMF, at least on a quarterly basis. The manager shall upon request provide the information also to the competent authority of the manager if different from the competent authority of the MMF.

2. The information reported pursuant to paragraph 1 shall comprise the following points:

(a) the type and characteristics of the MMF;

(b) portfolio indicators such as the total value of assets, NAV, WAM, WAL, maturity breakdown, liquidity and yield;

■

(d) the results of stress tests;

(e) information on the assets held in the portfolio of the MMF:

(i) the characteristics of each asset, such as name, country, issuer category, risk or maturity, and internal ratings assigned;

(ii) the type of asset, including details of the counterpart in case of derivatives or reverse repurchase agreements;

(f) information on the liabilities of the MMF that includes the following points:

(i) the country where the investor is established;

(ii) the investor category;

(iii) subscription and redemption activity.

If necessary and duly justified, competent authorities may solicit additional information.

3. ESMA shall develop draft implementing technical standards to establish a reporting template that shall contain all the information listed in paragraph 2.

Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.

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4. Competent authorities shall transmit to ESMA all information received pursuant to this Article, and any other notification or information exchanged with the MMF or its manager by virtue of this Regulation. Such information shall be transmitted to ESMA no later than 30 days after the end of the reporting quarter.

ESMA shall collect the information to create a central database of all MMFs established, managed or marketed in the Union. The European Central Bank shall have right to access this database for statistical purposes only.

Chapter VIII

Supervision

Article 39

Supervision by the competent authorities

1. The competent authorities shall supervise compliance with this Regulation on an on-going basis. **Authorisation of a MMF shall be withdrawn in the event of a breach of the ban on sponsor support.**
2. The competent authority of the MMF shall be responsible for **ensuring** compliance with the rules laid down in Chapters II to VII.
3. The competent authority of the MMF shall be responsible for supervising compliance with the obligations set out in the fund rules or in the instruments of incorporation, and the obligations set out in the prospectus, which shall be consistent with this Regulation.
4. The competent authority of the manager shall be responsible for supervising the adequacy of the arrangements and organisation of the manager so that the manager of the MMF is in a position to comply with the obligations and rules which relate to the constitution and functioning of all the MMFs it manages.
5. Competent authorities shall monitor UCITS or AIFs established or marketed in their territories to verify that they do not use the MMF designation or suggest that they are a MMF unless they comply with this Regulation.

Article 40

Powers of competent authorities

1. Competent authorities shall have all supervisory and investigatory powers that are necessary for the exercise of their functions pursuant to this Regulation.
2. The powers conferred on competent authorities in accordance with Directive 2009/65/EC and Directive 2011/61/EU shall be exercised also with respect to this Regulation.

Article 41

Powers and competences of ESMA

1. ESMA shall have the powers necessary to carry out the tasks attributed to it by this Regulation.
2. ESMA's powers in accordance with Directive 2009/65/EC and Directive 2011/61/EU shall be exercised also with respect to this Regulation and in compliance with Regulation (EC) No 45/2001.
3. For the purpose of Regulation (EU) No 1095/2010, this Regulation shall be included under any further legally binding Union act which confers tasks on the Authority referred to in Article 1(2) of Regulation (EU) 1095/2010.

Article 42

Cooperation between authorities

1. The competent authority of the MMF and the competent authority of the manager, if different shall cooperate with each other and exchange information for the purpose of carrying out their duties under this Regulation.

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2. Competent authorities, **including authorities designated by a Member State in accordance with Regulation (EU) No 575/2013 and Directive 2013/36/EU of the European Parliament and the Council** ⁽¹⁾ **for credit institutions in the MMF's home Member State, SSM and ECB**, and ESMA shall cooperate with each other for the purpose of carrying out their respective duties under this Regulation in accordance with Regulation (EU) No 1095/2010.

3. Competent authorities, **including authorities designated by a Member State in accordance with Regulation (EU) No 575/2013 and Directive 2013/36/EU for credit institutions in the MMF's home Member State, SSM and ECB**, and ESMA shall exchange all information and documentation necessary to carry out their respective duties under this Regulation in accordance with Regulation (EU) No 1095/2010, in particular to identify and remedy breaches of this Regulation.

Chapter IX

Final provisions

Article 43

Treatment of existing UCITS and AIFs

1. **By nine months after** the date of entry into force of this Regulation, an existing UCITS or AIF that invests in short term assets and has as distinct or cumulative objectives offering returns in line with money market rates or preserving the value of the investment shall submit an application to its competent authority together with all documents and evidence necessary to demonstrate the compliance with this Regulation.

Article 44

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.
2. The power to adopt delegated acts referred to in Articles 13 and 19 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.
3. The delegation of power referred to in Articles 13 and 19 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. The delegated acts adopted pursuant to Articles 13 and 19 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.

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

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Article 45

Review

By [three years after the entry into force of this Regulation], the Commission shall review the adequacy of this Regulation from a prudential and economic point of view. In particular the review shall consider **whether changes should be made to the regime for Retail CNVA MMFs, Public Debt CNAV MMFs and LVNAV MMFs**. The review shall **also**:

- (a) analyse the experience acquired in applying this Regulation, the impact on investors, MMFs and the managers of MMFs in the Union;
- (b) assess the role that MMFs play in purchasing debt issued or guaranteed by the Member States;
- (c) take into account the specific characteristics of the debt issued or guaranteed by the Member States and the role this debt plays in financing the Member States;
- (d) take into account the report referred to in Article 509(3) of Regulation (EU) No 575/2013;
- (e) take into account the regulatory developments at international level.

The results of the review shall be communicated to the European Parliament and the Council accompanied, where necessary, by appropriate proposals for amendments.

Article 46

Entry into force

This Regulation shall enter into force on the twentieth day following 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 29 April 2015

P8_TA(2015)0171

Imports of textile products from certain third countries not covered by specific Union import rules *I**

European Parliament legislative resolution of 29 April 2015 on the proposal for a regulation of the European Parliament and of the Council on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (recast) (COM(2014)0345 — C8-0023/2014 — 2014/0177(COD))

(Ordinary legislative procedure — recast)

(2016/C 346/39)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0345),
- having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0023/2014),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 10 December 2014 ⁽¹⁾,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽²⁾,
- having regard to the letter of 13 November 2014 from the Committee on Legal Affairs to the Committee on International Trade in accordance with Rule 104(3) of its Rules of Procedure,
- having regard to the undertaking given by the Council representative by letter of 18 February 2015 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rules 104 and 59 of its Rules of Procedure,
- having regard to the report of the Committee on International Trade (A8-0016/2015),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ C 77, 28.3.2002, p. 1.

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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.

P8_TC1-COD(2014)0177

Position of the European Parliament adopted at first reading on 29 April 2015 with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (recast)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2015/936.)

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P8_TA(2015)0172

Estimates of revenue and expenditure for the financial year 2016 — Section I — Parliament

European Parliament resolution of 29 April 2015 on Parliament's estimates of revenue and expenditure for the financial year 2016 (2015/2012(BUD))

(2016/C 346/40)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002⁽¹⁾, and in particular Article 36 thereof,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020⁽²⁾,
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management⁽³⁾, and in particular point 27 thereof,
- having regard to Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union⁽⁴⁾,
- having regard to its resolutions of 23 October 2013⁽⁵⁾ and of 22 October 2014⁽⁶⁾ on the draft general budget of the European Union for the financial years 2014 and 2015 respectively,
- having regard to the Secretary-General's report to the Bureau on drawing up Parliament's preliminary draft estimates for the financial year 2016,
- having regard to the preliminary draft estimates drawn up by the Bureau on 27 April 2015,
- having regard to the draft estimates drawn up by the Committee on Budgets pursuant to Rule 96(2) of Parliament's Rules of Procedure,
- having regard to Rules 96 and 97 of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A8-0144/2015),

A. whereas this procedure is the first full budgetary procedure conducted in the new legislature and the third procedure of the 2014-2020 multiannual financial framework (MFF);

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 884.

⁽³⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁴⁾ OJ L 287, 29.10.2013, p. 15.

⁽⁵⁾ Texts adopted, P7_TA(2013)0437.

⁽⁶⁾ Texts adopted, P8_TA(2014)0036.

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- B. whereas at its meeting of 9 February 2015 the Bureau endorsed the guidelines for the 2016 budget, as proposed by the Secretary-General; whereas those guidelines are focused on strengthening the capacity of the parliamentary committees to scrutinise the executive, in particular as regards delegated acts; security investments in Parliament's buildings and cybersecurity; and support for Members, in particular as regards parliamentary assistance;
- C. whereas a budget of EUR 1 850 470 600 has been proposed by the Secretary-General for Parliament's preliminary draft estimates for 2016, representing a 3,09 % increase on the 2015 budget and 19,51 % of heading V of the 2014-2020 MFF;
- D. whereas, in the context of a heavy burden of public debt and fiscal consolidation that Member States are currently facing, Parliament should show budgetary responsibility and self-restraint while ensuring sufficient resources are provided to allow it to exercise all its powers and ensure a proper functioning of the institution;
- E. whereas, despite little room for manoeuvre and the need to counterbalance savings in other areas, certain investments should be considered in order to strengthen the institutional role of the Parliament;
- F. whereas the ceiling for heading V of the MFF for the 2016 budget is EUR 9 483 million in current prices;
- G. whereas conciliation meetings between delegations of the Bureau and of the Committee on Budgets took place on 24 March and 14 and 15 April 2015;

General framework and overall budget

1. Welcomes the good cooperation between the Bureau of the European Parliament and the Committee on Budgets established during the current budgetary procedure and the agreement reached during the conciliation process;
2. Notes the priority objectives proposed by the Secretary-General for 2016;
3. Recalls that, since the entry into force of the Treaty of Lisbon, significant additional expenditure has been borne by Parliament's budget, as a result of the following developments: the establishment of the European Parliament as a true co-legislator and the enhanced building policy (2010-2012), the accession of Croatia, the House of European History (2013), the establishment of the Parliament's research service (2014-2015); welcomes that Parliament was able to offset a major part of this expenditure through savings stemming from structural and organisational reforms, thus leading to only moderate budgetary increases around the inflation rate;
4. Notes that, during the past legislature, Parliament agreed on a number of political priorities, which gave rise either to moderate budgetary increases or to budgetary savings; considers that the newly elected Parliament should scrutinise in depth the implementation of those multiannual projects and decide, on that basis, on its own political priorities, including, if necessary, the negative ones; requests, in this respect, the Secretary-General to present an assessment report on those multiannual projects in due time before the Parliament's reading in autumn 2015;
5. Considers that for 2016 priority should be given to the reinforcement of parliamentary work, in particular by enhancing Parliament's legislative work as well as its capacity to scrutinise the executive, and the reinforcement of Parliament's security of buildings and cybersecurity;
6. Is of the opinion that Parliament should be exemplary, making particular efforts as regards the size of its budget and the level of increase in expenditure compared to 2015; stresses that the 2016 budget should be set on a realistic basis and should be in line with the principles of budgetary discipline and sound financial management;

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7. Considers that the structural and organisational reforms aimed at achieving greater efficiency, environmental sustainability, and effectiveness should continue through the thorough examination of possible synergies and savings; recalls the substantial savings that could be made by having only one place of work instead of three (Brussels, Strasbourg, Luxembourg); underlines that this process should be lead without endangering Parliament's legislative excellence, its budgetary powers and powers of scrutiny, or the quality of working conditions for Members, assistants, and staff;

8. Stresses that, in order to allow the Members of Parliament to fulfil their mandate and to empower Parliament's capacity to exercise all its powers, a sufficient level of resources should be ensured; underlines that the statutory and compulsory expenditure needed for 2016 must be covered;

9. Welcomes that the share of Parliament's budget in the total MFF heading V was, with the exception of 2011 and 2014, below 20 % during the past legislature; considers that the share of Parliament's budget in 2016 should also be maintained under 20 %;

10. Is of the opinion that the total increase in expenditure of the Parliament's budget for 2016, compared to 2015, should be determined by the following two factors:

(i) the rate of increase in the current expenditure, which cannot exceed 1,6 %;

(ii) the level of exceptional expenditure needed in 2016 to reinforce the security of the Parliament's buildings and cybersecurity in Brussels for a maximum amount of EUR 15 million;

stresses that, to this purpose, savings in other areas are necessary;

11. Welcomes the agreement on savings reached between the Committee on Budgets and the Bureau's delegations at the conciliation meetings of 14 and 15 April 2015, as compared to the level of the preliminary draft estimates originally suggested by the Bureau;

12. Sets the level of its current/functioning expenditure for the year 2016 to EUR 1 823 648 600, which corresponds to 1,6 % increase over the 2015 budget, and adds to its draft estimates the exceptional extraordinary expenditure amounting to EUR 15 million requested in 2016 to reinforce the security of its buildings in Brussels as well as the cybersecurity of the Parliament;

13. Seizes the opportunity of this first fully fledged conciliation process on the Parliament's budget under the 8th legislature to ask the Secretary-General and the Bureau to present medium and long term budgetary planning, together with the documents relating to the procedure for the establishment of the budget for 2017; asks the Secretary-General to clearly indicate the spending relating to investments (buildings, acquisitions, etc.) and the spending relating to the functioning of the Parliament and its statutory obligations;

14. Recalls that Parliament, in the context of the budgetary procedure, has the possibility to adjust the budgetary priorities and will take the final decision in autumn 2015;

Specific issues*Priority to parliamentary work*

15. Underlines that, following the entry into force of the Treaty of Lisbon, which has established the Parliament as a true co-legislator, and given the fact that one of the most important tasks of the Parliament is to control the executive, it is now absolutely essential to put the emphasis on the legislative and scrutiny work of Members;

16. Considers that, in order to consolidate the role of the Parliament, the administrative capacity of the secretariats of the specialised parliamentary committees should, where it has not yet been done, be reinforced accordingly, by means of redeployment;

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17. Believes that, in order to ensure adequate support to the Members for the accomplishment of their parliamentary activities, a new balance is necessary between accredited parliamentary assistants and local assistants; requests the Secretary-General to present a proposal for a decision to the Bureau to this end as soon as possible; believes that a transition period should be respected in the case of the revision of the current rules and expects that the final decision will enter into force as of July 2016 at the latest;

18. Highlights the need for a greater transparency as regards the general expenditure allowance for Members; calls on the Parliament's Bureau to work on the definition of more precise rules regarding the accountability of the expenditure authorised under this allowance, without generating additional costs to the Parliament.

19. Recalls that, according to the Rule 130 of the Parliament's Rules of Procedure, the Conference of Presidents shall carry out, by July 2015, an assessment of the regime of written questions in respect of additional questions; underlines the fact that focus on statistics of parliamentary work should not be to the detriment of Members' actual legislative work; calls, therefore, for a revision of that regime and calls upon the competent authority to:

- limit, for each Member, the number of parliamentary questions submitted in electronic format to a maximum of five questions per month (not taking into account the co-authors);
- abolish the possibility to submit any additional questions in the form of a paper document tabled and signed personally by the Member;

20. Stresses that such a revision of Parliament's Rules of Procedure governing questions for written answer (Rule 130) can generate savings and will limit the administrative burden of the European institutions without endangering the legislative powers of the European Parliament; expects the revised rules to be applicable as of January 2016;

21. Considers that the renewal of furniture in all Members and staff work space is not a priority for the 2016 budget;

Security

22. Emphasises that, in the current context, the highest priority should be given to the security of the Parliament's premises; underlines that Parliament will need to take the new measures necessary to reinforce security inside and outside its premises, while remaining an 'open-house' for European citizens, as well as cyber-security;

23. Requests, in this regard, the Secretary-General to present to the Committee on Budgets a global evaluation of the security measures taken so far by the Parliament and the budgetary consequences of such measures, since the decision to internalise Parliament security services (Bureau decision dated June 2012) and to outline the measures envisaged to reinforce Parliament's security inside and outside of its premises, as well as the impact of such measures on the 2016 budget; calls for information on the financial consequences of the interinstitutional administrative cooperation arrangements in the field of security;

Cybersecurity

24. Is of the opinion that, due to an increasing use of electronic media and equipment, particular attention should be paid to IT security to ensure the maximum possible level of security of its information and communication systems; considers that any measure in this field should be based on a clear evaluation of Parliament's needs and decided in the context of the budgetary procedure;

Building policy

25. Recalls that the mid-term building strategy, which was adopted by the Bureau in 2010, is currently under revision; invites the Secretary-General to present to the Committee on Budgets the new mid-term strategy on buildings as soon as possible and at the latest by August 2015, before the Parliament's reading of the budget in autumn 2015;

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26. Reiterates that long-term investments, such as Parliament's building projects, need to be handled prudently and transparently; insists on strict cost management, project planning and supervision; reiterates its call for a transparent decision-making process in the field of buildings policy, based on early information, having due regard to Article 203 of the Financial Regulation;

27. Invites the Vice Presidents responsible to present to the Committee in charge the new mid-term strategy on buildings as well as a progress report on the KAD building, including financing options; on this basis will decide during the reading of the budget on the inclusion of financing for the KAD building into Parliament's budget for 2016, taking into consideration possible savings in interest rates;

28. Recalls that, due to the construction of the KAD building, total payments per year will in the future be much lower than the rental expenses of comparable property;

Communication

29. Calls on the Secretary-General to report to the Committee on Budgets on the evaluation of the 2014 parliamentary election campaign as well as the effectiveness of the Parliament's communication measures dedicated to the general public;

30. Strongly believes that the primary mandate of Members is legislative work; considers, therefore, that for this purpose priority should be given to communication with the public and other stakeholders by the upgrading of technical equipment and media facilities given the increased media interest, the growing importance of social media and Members' additional needs during the ordinary plenary sessions;

31. Asks the Bureau to proceed to an independent evaluation of the first European Youth Event before organising a second event;

Parliament's environmental footprint

32. Reiterates Parliament's responsibility to act in a sustainable manner; welcomes the efforts made in order to achieve a paperless environment and the ongoing valuable work realised through the EMAS approach; believes that the EMAS process needs continued budgetary support;

33. Asks for an evaluation of the results of the voluntary approach when it comes to using business class for short distance flights;

House of European History

34. Notes that the opening of the House of European History is foreseen for 2016; requests the Secretary-General to present to the Committee on Budgets in due time before the Parliament's reading in autumn 2015 an updated budget programming over the next five years for the operational and functioning expenditure foreseen for the House of European History from the opening, including the participation of the Commission; recalls that in the 2014 budget a new budget line 16 03 04 'House of European History' was created in Section III of the Union budget for the Commission's contribution to the operational costs of the House of the European History;

Staff measures

35. Stresses that the implementation of the 5 % staff reduction target, as decided in the framework of the Agreement on the 2014-2020 MFF, should continue in 2016; welcomes the confirmation not to extend the staffing reductions to staff of the political groups, which is fully in line with the Parliament's abovementioned resolutions on the 2014 and 2015 budgets;

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36. Notes that for 2016 it is proposed to remove 57 posts from the establishment plan of the Parliament's Secretariat, which should save some EUR 1,8 million, considering that some of these posts are currently vacant and that the holders of the remaining posts will retire or be redeployed in the course of the year; notes that it is proposed to remove two further posts from the Parliament's establishment plan and transferred to the Commission in connection with two interinstitutional IT projects under Commission management, and that two additional posts will therefore be created in the Commission establishment plan for 2016;

37. Approves the proposal of the Secretary-General to create 25 additional posts to reinforce DG SAFE in order to improve the effectiveness of the security systems inside and outside the Parliament's premises, the buildings' fire prevention, as well as to ensure an appropriate protection for its Members, staff and high level guests on the Parliament's premises; asks for the precise cost of these posts; considers however that the security system outside the Parliament's premises should be guaranteed by the Belgian authorities;

38. Welcomes the proposal to reinforce the secretariats of parliamentary committees in order to allow Members to receive the necessary support in dealing with scrutiny, in particular in those parliamentary committees with the highest number, currently or to come, of implementing and delegated acts; underlines that any reinforcement should be done by means of redeployment;

39. Notes that, to this end, the Secretary-General proposes the creation of 20 additional posts in order to reinforce the secretariats of the parliamentary committees concerned (ECON, ENVI, ITRE, TRAN and LIBE);

40. Calls on the Secretary-General to present to the Committee on Budgets a complete overview of the development of posts in Parliament and of how the 5 % staff reduction target has been approached so far and how it will be achieved in time and which reference number of posts in the establishment plan is being used to implement this aim;

Final considerations

41. Adopts the estimates for the financial year 2016;

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

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P8_TA(2015)0177

Suspension of exceptional trade measures with regard to Bosnia and Herzegovina ***I

Amendments adopted by the European Parliament on 30 April 2015 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process and suspending its application with regard to Bosnia and Herzegovina (COM(2014)0386 — C8-0039/2014 — 2014/0197(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 346/41)

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

- (2) Regulation (EC) No 1215/2009 does not provide any possibility to temporarily suspend the grant of exceptional trade measures in case of serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law by its beneficiaries. It is appropriate to introduce such possibility, so as to ensure that swift action can be taken in case serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law would occur in one of the countries and territories participating in or linked to the European Union's Stabilisation and Association process.

Amendment

- (2) Regulation (EC) No 1215/2009 does not provide any possibility to temporarily suspend the grant of exceptional trade measures in case of serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law by its beneficiaries. It is appropriate to introduce such possibility, so as to ensure that swift action can be taken in case serious and systematic violations of the fundamental principles of human rights, democracy and the rule of law would occur in one of the countries and territories participating in or linked to the European Union's Stabilisation and Association process. **Respect for democratic principles, the rule of law, human rights and the protection of minorities are required to achieve progress in the accession process.**

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

- (5) Since the launch of the Stabilisation and Association Process, Stabilisation and Association Agreements have been concluded with all concerned Western Balkan countries, with the exception of Bosnia and Herzegovina and Kosovo ⁽²⁾. In **June 2013, the Council authorised the Commission to start** negotiations for a Stabilisation and Association Agreement with Kosovo.

Amendment

- (5) Since the launch of the Stabilisation and Association Process, Stabilisation and Association Agreements have been concluded with all concerned Western Balkan countries, with the exception of Bosnia and Herzegovina and Kosovo ⁽³⁾. In **May 2014, the negotiations for a Stabilisation and Association Agreement with Kosovo were completed and the Agreement was initialled in July 2014.**

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0060/2015).

⁽²⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽³⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

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Amendment 3
Proposal for a regulation

Recital 7

Text proposed by the Commission

- (7) However, Bosnia and Herzegovina has not yet accepted to adapt trade concessions granted under the Interim Agreement in order to take into account the preferential traditional trade between Croatia and Bosnia and Herzegovina under the Central European Free Trade Agreement (CEFTA). In case, by the time of the adoption of this Regulation, an agreement on the adaptation of the trade concessions set out in the Stabilisation and Association Agreement and in the Interim Agreement has not been signed and provisionally applied by European Union and Bosnia and Herzegovina, the preferences granted to Bosnia and Herzegovina should be suspended as from 1 January 2016. Once Bosnia-Herzegovina and the European Union will have signed and provisionally applied an agreement on the adaptation of trade concessions in the Interim Agreement, those preferences should be re-established.

Amendment

- (7) However, Bosnia and Herzegovina has not yet accepted to adapt trade concessions granted under the Interim Agreement in order to take into account the preferential traditional trade between Croatia and Bosnia and Herzegovina under the Central European Free Trade Agreement (CEFTA). In case, by the time of the adoption of this Regulation, an agreement on the adaptation of the trade concessions set out in the Stabilisation and Association Agreement and in the Interim Agreement has not been signed and provisionally applied by European Union and Bosnia and Herzegovina, the preferences granted to Bosnia and Herzegovina should be suspended as from 1 January 2016. Once Bosnia-Herzegovina and the European Union will have signed and provisionally applied an agreement on the adaptation of trade concessions in the Interim Agreement, those preferences should be re-established. ***The authorities of Bosnia and Herzegovina and the Commission should redouble efforts to find, before 1 January 2016 and in line with the Interim Agreement, a mutually acceptable solution, especially in terms of cross-border trade,***

Amendment 4
Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) ***It is necessary to take into account the constant progress towards European Union membership by the concerned countries and territories of the Western Balkans, as well the accession of Croatia to the Union and the consequent need to adapt the Interim Agreement with Bosnia and Herzegovina. In this context, it is also necessary to take into account the Union's unequivocal commitment to Bosnia and Herzegovina's EU perspective, as set out in the conclusions of the Foreign Affairs Council of 15 December 2014. In those conclusions, the need was reiterated for the political leadership of Bosnia and Herzegovina to anchor the reforms needed for EU integration in the work of all relevant institutions, and the need to establish the functionality and efficiency at all levels of government in order to allow Bosnia and Herzegovina to prepare for future EU membership,***

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Amendment 5
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *The European Union remains committed to support Bosnia and Herzegovina's European perspective and expects the political leadership of the country to pursue reforms aimed at promoting functional institutions as well as ensuring equal rights for the three constituent peoples and all citizens of Bosnia and Herzegovina.*

Amendment 6
Proposal for a regulation
Article 1 — point - 1 (new)
Regulation (EC) No 1215/2009
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (-1) *The following recital is inserted:*

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Text proposed by the Commission

Amendment

(14a) *In order to allow for a proper democratic oversight of the application of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of necessary amendments and technical adjustments to Annexes I and II following amendments to CN codes and to the TARIC subdivisions, in respect of necessary adjustments following the granting of trade preferences under other arrangements between the Union and the countries and territories covered by this Regulation, and in respect of the suspension of benefits under this Regulation in the event of non-compliance with the condition of effective administrative cooperation in order to prevent fraud, the condition of respect for human rights and the rule of law principles as well as the condition of engaging in effective economic reforms and in regional cooperation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should provide full information and documentation on its meetings with national experts within the framework of its work on the preparation and implementation of delegated acts. In this respect, the Commission should ensure that the European Parliament is duly involved, drawing on best practices from previous experience in other policy areas in order to create the best possible conditions for future scrutiny of delegated acts by the European Parliament;*

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Amendment 7**Proposal for a regulation****Article 1 — point 1 a (new)**

Regulation (EC) No 1215/2009

Article 2 — paragraph 3

Present text

3. In the event of non-compliance by a country or territory with **paragraphs 1 or 2**, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the country or territory concerned to benefits under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).

*Amendment***(1a) In Article 2, paragraph 3 is replaced by the following:**

‘3. In the event of non-compliance by a country or territory with **points (a) or (b) of paragraph 1**, the Commission may, by means of implementing acts, suspend, in whole or in part, the entitlement of the country or territory concerned to benefit under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(4).’

Amendment 8**Proposal for a regulation****Article 1 — point 1 b (new)**

Regulation (EC) No 1215/2009

Article 7 — point c (new)

Text proposed by the Commission

*Amendment***(1b) In Article 7, the following point is added:**

‘(c) **the suspension, in whole or in part, of the entitlement of a country or territory concerned to benefits under this Regulation, in the event of non-compliance by that country or territory with the conditions set out in points (c) and (d) of Article 2(1) and in Article 2(2) of this Regulation.**’

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Amendment 9**Proposal for a regulation****Article 1 — point 1 c (new)**

Regulation (EC) No 1215/2009

Article 10 — paragraph 1 — subparagraph 1 — introductory wording

Present text

1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase of exports into the Community above the level of normal production and export capacity or a failure of compliance with the provisions of Article 2(1) by countries and territories referred to in Article 1, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:

Amendment

(1c) In Article 10(1), the introductory wording is replaced by the following:

‘1. Where the Commission finds that there is sufficient evidence of fraud or failure to provide administrative cooperation as required for the verification of evidence of origin, or that there is a massive increase of exports into the Community above the level of normal production and export capacity or a failure of compliance with the provisions **of points (a) and (b)** of Article 2(1) by countries and territories referred to in Article 1, it may take measures to suspend in whole or in part the arrangements provided for in this Regulation for a period of three months, provided that it has first:’

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