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2016/C 468/85	<p>P7_TA(2013)0591</p> <p>Amending certain regulations in the field of fisheries and animal health by reason of the change of status of Mayotte ***I</p> <p>European Parliament legislative resolution of 12 December 2013 on the proposal for a regulation of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union (COM(2013)0417 — C7-0175/2013 — 2013/0191(COD))</p> <p>P7_TC1-COD(2013)0191</p> <p>Position of the European Parliament adopted at first reading on 12 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union 417</p>
2016/C 468/86	<p>European Parliament decision of 12 December 2013 to raise no objections to the Commission delegated regulation of 30 October 2013 amending Annexes I, II and IV of Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences (C(2013)07167 — 2013/2929(DEA)) 423</p>

Key to symbols used

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

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

Amendments by Parliament:

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

EUROPEAN PARLIAMENT

2013-2014 SESSION

Sittings of 9 to 12 December 2013

The Minutes of this session have been published in OJ C 89 E, 28.3.2014.

TEXTS ADOPTED

Tuesday 10 December 2013

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P7_TA(2013)0532

Negotiations for an EU-Canada strategic partnership agreement

European Parliament resolution of 10 December 2013 containing the European Parliament's recommendation to the Council, the Commission and the European External Action Service on the negotiations for an EU-Canada Strategic Partnership Agreement (2013/2133(INI))

(2016/C 468/01)

The European Parliament,

- having regard to the ongoing negotiations between the EU and Canada for a Strategic Partnership Agreement (SPA),
- having regard to its resolution of 14 February 2006 on the human rights and democracy clause in European Union agreements ⁽¹⁾,
- having regard to its recent resolutions on relations with Canada, in particular those of 5 May 2010 on the EU-Canada Summit ⁽²⁾, of 8 June 2011 on EU-Canada trade relations ⁽³⁾ and of 13 June 2013 on the role of the EU in promoting a broader transatlantic partnership ⁽⁴⁾,
- having regard to the 1976 Framework Agreement for Commercial and Economic Cooperation between the EEC and Canada ⁽⁵⁾,
- having regard to the 1990 Declaration on transatlantic relations between the EC and Canada,
- having regard to the 1996 Joint Political Declaration and Joint Action Plan,
- having regard to the Communication from the Commission on EU-Canada Relations (COM(2003)0266),
- having regard to the 2004 EU-Canada Partnership Agenda,
- having regard to the 2011 Report to the EU-Canada Joint Cooperation Committee,
- having regard to the outcomes of the EU-Canada inter-parliamentary meeting of April 2013,
- having regard to Article 21 of the Treaty on European Union,
- having regard to Rules 90(4) and 48 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A7-0407/2013),

⁽¹⁾ OJ C 290 E, 29.11.2006, p. 107.

⁽²⁾ OJ C 81 E, 15.3.2011, p. 64.

⁽³⁾ OJ C 380 E, 11.12.2012, p. 20.

⁽⁴⁾ Texts adopted, P7_TA(2013)0280.

⁽⁵⁾ OJ L 260, 24.9.1976, p. 2.

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- A. whereas the relations between the EU and Canada are historical, strong and built on shared interests and values; whereas the shared values of democracy and the protection of human rights should form a core part of any agreement between the two parties aiming to provide a framework for that relationship;
- B. whereas the EU and Canada have a long history of extensive political and economic cooperation, formally dating back to 1976 when the EU signed a Framework Agreement with Canada, the first with an OECD country; whereas this agreement has for a long time constituted the appropriate framework to deepen relations, enhance political association and further cooperation;
- C. whereas Canada is a consolidated parliamentary democracy; whereas Canada shares similar democratic values and principles with the EU;
- D. whereas the SPA currently under negotiation would update and revitalise the relationship between the EU and Canada and considerably contribute to the deepening of political, economic and cultural relations and the improvement of our cooperation in many areas; whereas it codifies the status of the EU and Canada as strategic partners;
- E. whereas the SPA, beyond improving the institutional structure of relations, alongside the CETA, would provide Europe's and Canada's citizens with tangible benefits and opportunities as long as all stakeholders are involved in the process; whereas the opening of markets and regulatory cooperation is expected to generate important economic gains and have positive effects on employment for both Canada and the EU and, in light of broadening the transatlantic partnership and given the existing NAFTA-framework, may lead to the creation of a transatlantic market, a win-win situation for all actors involved as long as current social and environmental standards are not lowered;
- F. whereas the benefits and opportunities of intensified EU-Canada relations should be equally distributed among all sections of both the European and Canadian population according to their living conditions and requirements; whereas the different economic and industrial conditions of both the EU and Canada should be recognised and whereas respect for a sustainable and responsible use of resources needs to be guaranteed;
- G. whereas on 18 October 2013 the President of the Commission and the Canadian Prime Minister reached a political agreement on the key elements of a Comprehensive Economic and Trade Agreement (CETA), while the negotiations on the Strategic Partnership Agreement are continuing; whereas the CETA and the SPA are complementary in strengthening the EU-Canada relationship;
- H. whereas in parallel to the negotiations on the SPA, an EU-Canada PNR agreement has been negotiated which is supposed to deepen the relationship also in the field of counter-terrorism and to provide proper safeguards against disproportionate targeting practices based on the retention of EU passenger data;
- I. whereas Canada formally withdrew from the Kyoto Protocol in 2011; whereas the EU has repeatedly called on Canada to reduce its greenhouse gas emissions in line with its international commitments;
- J. whereas the issue of a full visa waiver should be swiftly resolved ensuring that persons and enterprises from all EU Member States, including Romania and Bulgaria, have equal opportunities for cooperation with Canadian counterparts;
- K. whereas the EU-Canada strategic partnership should be duly reflected in international fora and organisations; whereas, in this connection, the Arctic Council's decision, supported by Canada, on EU observer status is regrettable; whereas the EU has committed itself to collaborating with the Canadian authorities to resolve this issue;

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1. Addresses the following recommendations to the Council, the Commission and the European External Action Service:
 - (a) to make all necessary progress in order to swiftly conclude the agreement;
 - (b) to insist that all EU agreements with third countries should include reciprocal conditionality and political clauses on human rights and democracy, as a common reaffirmation of the mutual commitment to these values and regardless of the state of protection of human rights in those countries; to adopt appropriate safeguards to ensure that the suspension mechanism cannot be abused by either side;
 - (c) to insist that such conditionality should form part of the SPA with Canada, to ensure the consistency of the EU's common approach on the matter;
 - (d) to encourage, if possible, all the parties involved to initial and sign the SPA and the CETA at their earliest convenience and to underline their complementary nature;
 - (e) to ensure that civil society and the main stakeholders are fully involved, informed and consulted in the process;
 - (f) to ensure that the agreement contains a solid commitment to inter-parliamentary cooperation that recognises the important role of the European Parliament and the Canadian Parliament in EU-Canada relations, especially through the long- established inter-parliamentary delegation;
 - (g) to provide periodic reports on the implementation of the agreement to Parliament, which should present an overview of activities carried out and results achieved with regard to the different areas of the agreement, based on objective metrics;
 2. Instructs its President to forward this resolution containing the European Parliament's recommendation to the Council, the Commission and the European External Action Service, the Member States and the Government and Parliament of Canada.
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P7_TA(2013)0533

Recovery and resolution framework for non-bank institutions**European Parliament resolution of 10 December 2013 on recovery and resolution framework for non-bank institutions (2013/2047(INI))**

(2016/C 468/02)

The European Parliament,

- having regard to the consultative report of July 2012 by the Committee on Payment and Settlement Systems (CPSS) and the International Organisation of Securities Commissions (IOSCO) entitled 'Recovery and resolution of financial market infrastructures',
 - having regard to the CPSS-IOSCO consultative report of August 2013 entitled 'Recovery of financial market infrastructures',
 - having regard to the reports of July 2013 by the International Association of Insurance Supervisors (IAIS) entitled 'Global Systemically Important Insurers: Initial Assessment Methodology' and 'Global Systemically Important Insurers: Policy Measures',
 - having regard to the publication of 18 July 2013 by the Financial Stability Board entitled 'Global systemically important insurers (G-SIIs) and the policy measures that will apply to them' ⁽¹⁾,
 - having regard to the consultative report of August 2013 by the Financial Stability Board entitled 'Application of the Key Attributes of Effective Resolution Regimes to Non-Bank Financial Institutions',
 - having regard to the consultation carried out by the Commission's services on a possible recovery and resolution framework for financial institutions other than banks,
 - having regard to 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 (EMIR) ⁽²⁾,
 - having regard to the Commission's proposal for a regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on central securities depositories (CSDs) and amending Directive 98/26/EC (CSDR),
 - having regard to the Commission's proposal for a directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms (COM(2012)0280) (BRRD), and the report of the Committee on Economic and Monetary Affairs thereon ⁽³⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0343/2013),
- A. whereas assessments of financial market infrastructure are now included in the IMF's and World Bank's financial sector assessment programmes;
- B. whereas effective recovery plans and resolution tools are crucial for improving the stability of the non-bank financial sector globally;
- C. whereas financial market infrastructures are organised along widely differing lines; whereas to facilitate the formulation of appropriate plans for recovery and, above all, resolution, it is necessary to make a distinction between them based on organisational complexity, geographical scope and business model;

⁽¹⁾ http://www.financialstabilityboard.org/publications/r_130718.pdf

⁽²⁾ OJ L 201, 27.7.2012, p. 1.

⁽³⁾ A7-0196/2013.

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- D. whereas while EMIR and CSDR aim to reduce systemic risk through well-regulated market infrastructure, there is a possibility of unintended consequences;
- E. whereas while mandatory central clearing contributes positively to decreasing the overall systemic risk of financial markets, it has also increased the concentration of systemic risk in CCPs, recalling that all CCPs are systemically important in their own markets;
- F. whereas the largest clearing members typically participate in more than one CCP, so that if one CCP fails others are also likely to face difficulties;
- G. whereas multiple failures of CCP members will have devastating consequences not only for financial market participants but for the societies concerned as a whole;
- H. whereas the rationale for using a CCP is to reduce counterparty risk by correctly margining products before offering to centrally clear them so that the default of any counterparty does not affect the rest of the market;
- I. whereas risk management processes show that CCPs reduce counterparty risk and uncertainty and prevent contagion;
- J. whereas EMIR does not fully address the risks arising from a CCP wrongly assessing the margin requirements for a whole product class;
- K. whereas CCPs have incentives to apply lower margins, particularly when entering new products or asset classes, in order to attract custom; whereas the effectiveness of default funds segregated by product or asset class is yet to be assessed;
- L. whereas the risks of cross-margining of products (portfolio margining) using ringfencing of assets within the default fund of a CCP are untested, and, therefore, while reducing collateral demand in the short term may reduce costs, the use of cross-margining should not jeopardise the ability of a CCP to correctly manage risk and should recognise the limitations of VaR analytics;
- M. whereas one of the key benefits that clients derive from the clearing member lies in their provision of a firewall against counterparty risk in relation to both the CCP and other clearing members;
- N. whereas the EU's ICSDs are globally systemically important institutions as facilitators of the Eurobond market and currently operate with banking licences;
- O. whereas central clearing has increased the need for collateral management and related services which are now being performed by CSDs as well as custodian banks;
- P. whereas the impending introduction of Target2Securities has caused CSDs to explore new services;
- Q. whereas standard insolvency regimes will not provide a complete framework for treatment of client assets should a CSD fail without implementation of the Securities Law Legislation;

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- R. whereas the IAIS reported in July 2013 on 'Globally Systemic Insurance Institutions' and concluded that, while the traditional insurance business model has proven considerably less fragile in financial crises than that of banks, nevertheless, large, highly interconnected cross-border insurers, especially those that have significant activities outside traditional underwriting such as credit and investment guarantees, can pose a significant systemic risk; whereas on the basis of the IAIS assessment method the FSB has identified nine large insurers as being systemic, of which five are headquartered in the Union;
- S. whereas while the systemic risk of an asset manager failing is not as pronounced as for critical market infrastructure, as asset managers' business models evolve they could become more systemically important, a factor which has been addressed in FSB work on shadow banking;
1. Calls on the Commission to prioritise recovery and resolution of CCPs and of those CSDs which are exposed to credit risk, and, when considering whether it is appropriate to develop similar legislation for other financial institutions, to differentiate appropriately between each type, giving due consideration to those which have the potential to pose systemic risks to the economy;
 2. Emphasises the importance of EU legislation following internationally agreed principles, as agreed in CPSS-IOSCO, FSB and IAIS;
 3. Stresses the importance of clear provisions for a 'ladder of intervention' in any recovery provisions for non-bank financial institutions under which competent authorities monitor appropriately designed indicators of financial health and have the power to intervene early in cases of financial stress of an entity and require it to take corrective measures according to a pre-approved recovery plan, in order to stave off the potentially disruptive last resort of putting such an entity into resolution;
 4. Believes that non-bank financial institutions themselves should develop comprehensive and substantive recovery plans that identify critical operations and services and develop strategies and measures necessary to ensure continued provision of critical operations and services, and that these recovery plans should be reviewed by the relevant supervisory authority; considers that the supervisory authority should be able to request changes to the recovery plan and should lead and consult with the resolution authority, which, if different, could make recommendations to the supervisor;
 5. Considers that supervisory authorities should have the power to intervene on financial stability grounds, and to require the implementation of parts of recovery plans which have not yet been activated or take other actions if necessary; the authorities should, however, also be aware of the risk of creating market uncertainty in already stressed circumstances;
 6. Takes the view that resolution and supervisory authorities in each country should strive to cooperate and keep each other informed;
 7. Believes that for groups with entities in different jurisdictions, a group resolution plan should be agreed between different resolution authorities; such plans should be based on the presumption of cooperation between authorities in different jurisdictions;
 8. Considers that resolution measures should differentiate between different services and activities which the financial market infrastructure institution in question is authorised to provide or perform;
 9. Stresses the need to avoid any conflicts between the recovery and resolution plans and the existing legislation, in particular the Financial Collateral Arrangements Directive (FCAD) and the European Market Infrastructure Regulation (EMIR), since these could lead to constraints on the recovery and resolution powers for CCPs and CSDs or prevent them from being effective;

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10. Underlines the urgent need, in the context of assessing the relevance of specific resolution regimes for market infrastructure, financial institutions and shadow banking entities, for the development of tools for effective near-time monitoring of the stock and flow of financial risk within and across corporate, sectoral and national boundaries in the Union and between the Union and other global regions; urges the Commission to ensure that the relevant data provided under banking, insurance and market infrastructure legislation is used efficiently for this purpose by the ESRB, ESAs and other competent authorities;

CCPs

11. Calls upon the Commission to ensure that CCPs have a default management strategy for all products that are cleared by the CCP as part of a wider recovery plan approved by the supervisor, with a particular focus on those products that are mandated for central clearing, as there is a higher likelihood of risk concentration in these cases;

12. Underlines the importance of monitoring risks to CCPs arising from a concentration of clearing members, and calls on supervisors to inform the EBA of the largest 10 clearing members of each CCP so that risks such as interlinkages, contagion and the potential for failure of more than one CCP at a time can be centrally monitored and assessed;

13. Calls on the Commission to develop tools for measuring CCPs' intraday risk, to ensure that intraday balances held by CCPs with commercial banks for account management and payment services do not exceed predefined limits that could otherwise threaten the functioning of the CCP;

14. Believes that in order to maintain incentives for good governance of CCPs the default waterfall established in EMIR needs to be respected such that the CCP's pre-funded own financial resources are used before any non-defaulting members' default fund contributions;

15. Calls on the Commission to ensure that CCPs act in the general public interest and adopt their business strategies accordingly, in order to significantly reduce the likelihood of triggering recovery and resolution scenarios;

16. Calls on the Commission to recognise that while the aim of ringfencing asset classes within a default fund of a CCP is to limit contagion, it is unclear whether this will be sufficient to prevent such contagion in practice, given that commercial incentives related to cross-margining could increase risk in the system; calls on the Commission to propose further measures in order to minimise this contagion risk;

17. Calls on the Commission to ensure that sound principles are established to govern contractual arrangements between a CCP and its clearing members, as well as how clearing members pass on losses to their clients, in such a way that the clearing member's default fund will have to be exhausted before any losses from a defaulting clearing member can be passed on to the client as part of a transparent loss allocation process;

18. Believes that any contractual arrangements between a CCP and its clearing members should distinguish between losses arising from a member default and those arising from other reasons such as losses incurred as a result of poor investment choices by the CCP; calls on the Commission to ensure that the CCP's risk committee is kept fully apprised of the CCP's investments in order to maintain appropriate oversight; considers that recovery tools such as suspension of dividends and payment of variable remuneration or voluntary restructuring of liabilities through debt-to-equity conversion should be considered the most appropriate tools to be used in these circumstances;

19. Believes that all CCPs should have in place comprehensive recovery arrangements which provide protection over and above the funds and resources required by EMIR; these recovery plans should provide protection against all foreseeable circumstances, and should be included and published as part of the CCP's rules;

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20. Asserts that the dividing-line between recovery and resolution in the case of CCPs is when the default waterfall is exhausted, and the loss absorption capacity of the CCP has been depleted; takes the view that at this point the supervisor should actively consider the option of removing the CCP's management board and whether to transfer critical services of the CCP or hand over operational control of the CCP to another provider; believes that the resolution authorities should be given the necessary degree of discretion in assessing the situation, as well as a certain margin of manoeuvre, enabling them to justify their decisions;

21. Believes that in exercising such discretion the resolution authorities should apply the following very specific criteria:

(i) where the sustainability of the market financial infrastructure in question is in the process of being, or is already, seriously compromised because of their inability to comply with the prudential requirements applicable;

(ii) where there is no alternative to entry into the resolution phase if the situation is to be rectified effectively and without compromising the stability of the financial system;

(iii) where a resolution measure is necessary in the public interest insofar as it makes it possible to achieve one or more objectives of the resolution using proportionate means;

22. Stresses the need to treat 'continuity of service' as a key resolution objective;

23. Emphasises that any participation of clearing members in loss allocation before removal of the CCP's management should not involve the money or assets of direct or indirect clients, while the resolution authority, once responsible, may employ resolution tools for loss allocation such as variation margin cutting or refilling of the default fund by the non-defaulting clearing members, following the resolution plan as closely as possible;

24. Believes that if the resolution authority had the ability to impose a stay on early termination rights which would pause the CCP for a maximum period of two days, this could permit the market to correctly re-price the contracts, thus allowing for a more orderly diffusion of risk; the availability and exercise of such a power should be carefully considered so that it is, at a minimum, conditional on the resolution authority determining that imposition of a stay is necessary in the interests of financial stability, having regard to the resolution objectives, interplay with relevant bank or other resolution regimes applicable to clearing members, default and risk management of the CCP and the impact on each of the CCP's markets, clearing participants and financial markets generally; this would necessarily be accompanied by the power to lift the clearing obligation as a last resort after it has at least been examined whether another CCP could provide the clearing in the short term;

25. Acknowledges that CCPs have clearing members from a large number of countries; considers, therefore, that a CCP resolution framework will be effective when it is effective in all the jurisdictions involved; believes that, consequently, national insolvency frameworks have to be updated to accommodate the new European resolution regime;

26. Considers that central counterparties with a banking licence should be subject to a central counterparty-specific regime and not to the proposed bank recovery and resolution regime of the bank recovery and resolution directive (BRR); of particular concern in this sense is the fact that the proposed regime for banks would require them to hold an aggregate amount of debt that can be bailed-in; believes such a power would be inappropriate for central counterparties holding a banking licence because they do not tend to issue such debt instruments;

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CSDs

27. Establishes that it is the responsibility of a CSD to ensure that its recovery plan clearly provides for operational continuity in reasonable crisis scenarios so that, even if other parts of its business can be disposed of, its primary settlement function as well as the other core services of the CSD can continue to be performed by the CSD or an existing third party provider, as authorised under CSDR;
28. Calls, if no separate legislative proposal is imminent, for inclusion in the CSDR of a requirement for national competent authorities to ensure the establishment of appropriate recovery and resolution plans in line with FSB and CPSS-IOSCO international standards for all CSDs, including references to the articles of the BRR that should apply to those CSDs operating under a banking licence;
29. Calls on the Member States, in the absence of Securities Law Legislation, to develop and coordinate their existing special administration regimes for CSDs in order to improve certainty as to how operational continuity will be maintained in a crisis, in particular by ensuring access to the registries, records or accounts of the CSD so that the resolution authority or national competent authority is easily able to identify the owners of assets;
30. Calls on the Commission to ensure that the proposal for a recovery and resolution framework for CSDs ensures — as far as possible — the continuity of the CSDs during the recovery and resolution;
31. Calls on the Commission to ensure that the proposal for a recovery and resolution framework for CSDs ensures continuity of the CSDs' legislative environment, in particular by respecting the Settlement Finality Directive, Delivery versus Payment arrangements, the operation of any CSD link, and contracts with critical service providers during the recovery and resolution;

Insurance undertakings

32. Notes that in the EU there is longstanding prudential regulation for insurance; stresses the importance of a consistent and convergent approach by Member States towards the implementation of Solvency II within a reasonable time-frame as set out in Omnibus II; calls for the completion of negotiations on Omnibus II so that levels two and three of Solvency II can be finalised in a timely manner, thus keeping to a minimum the probability of resolution authorities having to step in;
33. Calls on the Commission to closely take into account the IAIS's work on recovery and resolution of insurers, and to consider it within the context of level two of Solvency II, Financial Conglomerates legislation, and the Insurance Mediation Directive and work with international partners to follow the timetable established by the FSB to implement the policy recommendations including requiring systemic insurers to have recovery and resolution plans as well as resolvability assessments in place, enhanced group supervision and higher loss absorbency requirements; recognises that the long-term nature of insurance liabilities, the different timescales, long run-off periods and business nature of insurance compared to banking, along with the tools available to regulators, already provide for efficient resolution practices; believes the focus should therefore be on recovery;
34. Regrets that the IAIS and FSB have postponed the publication of guidelines on the assessment of the systemic status of and policy recommendations for reinsurers until July 2014; calls on the Commission to look carefully at the systemic risk posed by reinsurers, especially with regard to their central role in insurance risk management and their high degree of interconnectedness and poor substitutability;

Asset management

35. Calls on the Commission to assess carefully whether any asset managers should be designated as systemically important, taking into account the scope of their activity and using a comprehensive set of indicators such as: size, business model, geographical scope, risk profile, creditworthiness, and whether or not they trade on their own account and are subject to requirements regarding the segregation of the assets of their clients, as well as other relevant factors;

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36. Notes that client assets are segregated and held with custodians, and that, therefore, the ability for these assets to be transferred to another asset manager is a substantial safeguard;

37. Believes that an effective securities law regime could mitigate many of the issues involved in case of failure of a large crossborder asset manager;

Payment systems

38. Calls on the Commission to engage with the relevant international financial supervisors and authorities in order to identify any weaknesses in globally systemically important payment systems and the arrangements in place to ensure continuity of service in the event of failure;

39. Believes that, since payment systems are at the heart of all cash transfers, it is clear that a market perturbation in such a system would have significant spillovers on other financial market actors; notes that the 1998 Settlement Finality Directive already aims to mitigate potential risks in payment systems, but considers that it does not go sufficiently into recovery and resolution, and that specific provisions therefore need to be made in order to allow payments systems to react adequately to adverse circumstances;

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

Tuesday 10 December 2013

P7_TA(2013)0534

EU space industrial policy

European Parliament resolution of 10 December 2013 on EU Space Industrial Policy, releasing the Potential for Growth in the Space Sector (2013/2092(INI))

(2016/C 468/03)

The European Parliament,

- having regard to Title XIX, Article 189 of the Treaty on the Functioning of the European Union, as it relates to research and technological development and space policy and with particular reference to the drawing-up of a European space policy in order to promote scientific and technical progress, industrial competitiveness and the implementation of European Union policies,
 - having regard to the Commission communication of 28 February 2013 entitled 'EU Space Industrial Policy' (COM(2013)0108),
 - 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 28 October 2010 entitled 'An integrated industrial policy for the Globalisation Era — Putting Competitiveness and Sustainability at Centre Stage' (COM(2010)0614),
 - having regard to the Commission communication of 10 October 2012 entitled 'A Stronger European Industry for Growth and Economic Recovery' (COM(2012)0582),
 - having regard to the Commission communication of 4 April 2011 entitled 'Towards a space strategy for the European Union that benefits its citizens' (COM(2011)0152),
 - having regard to the Commission communication of 14 November 2012 entitled 'Establishing appropriate relations between the EU and the ESA' (COM(2012)0671),
 - having regard to Council Decision 2004/578/EC of 29 April 2004 on the conclusion of the Framework Agreement between the European Community and the European Space Agency ⁽¹⁾,
 - having regard to the Council conclusions of 11 October 2010, 31 May 2011, 2 December 2011 and 30 May 2013,
 - having regard to its resolution of 19 January 2012 on a space strategy for the European Union that benefits its citizens ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Foreign Affairs (A7-0338/2013),
- A. whereas Article 189 TFEU gives the European Union an explicit role in drawing up a European space policy, in order to promote scientific and technical progress, industrial competitiveness and the implementation of its policies;
- B. whereas, in view of increasing competition from newly emerging space-faring nations such as China and India, the political weight of the EU Member States in national terms may no longer suffice to address the challenges ahead in this sector;
- C. whereas space policy is a key element in the Europe 2020 strategy;

⁽¹⁾ OJ L 261, 6.8.2004, p. 63.

⁽²⁾ OJ C 227 E, 6.8.2013, p. 16.

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- D. whereas innumerable services which are used by members of the public in everyday life are directly or indirectly dependent on the space industry, such as television, high-speed internet, navigation systems or the Europe-wide automatic emergency call system eCall;
- E. whereas the European space industry has a consolidated turnover of EUR 6,5 billion and employs over 34 500 highly skilled people, and whereas in this period of economic difficulty the importance of that industry as a sector with strong growth and innovation potential, and as a creator of jobs with high added value, should be brought to the fore;
- F. whereas at present there is still not sufficient coordination of measures in the field of space policy between the EU, the Member States and the ESA, and whereas this has resulted in duplication of structures and prevented synergies from being sufficiently exploited; stresses that the introduction of a clear governance framework in the space sector would make for huge efficiency savings;
- G. whereas the ESA, as an intergovernmental organisation, has no formal relationship with the European Parliament, so that there is no direct feedback to citizens such as otherwise exists in all fields of Union policy;
- H. whereas the space industry is investment-intensive and has unusually long development cycles, so that consistency of planning plays a decisive role for it; whereas the visibility this provides will benefit greatly from the existence of a stable regulatory framework and a clear governance framework;
- I. whereas the operation of a European launcher system could help to secure independent access to space;
- J. whereas the EU is currently dependent on non-European military GNSS, and Galileo was conceived and developed and will remain under civilian control;
- K. whereas commercial sales play a substantially more important role for the European space industry than for its main international competitors;
- L. whereas satellite-based services play an important part in providing information for the growth sectors of the digital society and contribute to achieving the aims of the EU's Digital Agenda;
- M. whereas experts estimate that in ten years' time the market for satellite navigation and earth observation services could have a volume of USD 300 billion, and whereas even today between 6 % and 7 % of GDP in the western EU Member States is dependent on satellite navigation;
- N. whereas, because of growing demand for wireless communication services and the physical properties of wave propagation and the associated shortage of radio frequencies, the international coordination of spectrum use is increasingly important;

Basing space policy on European priorities

1. Welcomes the Commission communication on EU Space Industrial Policy; considers that the Commission should concentrate on a limited number of space industrial policy measures as referred to in that communication, in order to genuinely exploit the potential for growth in the space industry;
2. Stresses that all the actors involved in the governance of future EU space policies, including the Commission, the European GNSS Agency, the ESA, the national agencies and the specialised agencies such as EUMETSAT, must be interlinked and must operate on a long-term basis;
3. Considers that the national agencies could come up with concrete proposals in this direction so that the Commission could streamline the input coming from the Member States and define an EU vision;
4. Stresses that the Commission must, as soon as possible, give us a clear roadmap for GMES/Copernicus and for the development and deployment of the various Satellite Sentinels, as well as the legal and operational framework proposed for this complex system;

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5. Endorses the Commission's intention of taking steps towards the establishment of a coherent EU space regulatory framework; advocates establishing a genuine EU internal market for space products and space-based services; considers it important that policy should be formulated and developed without its implementation adversely affecting or distorting commercial market conditions; observes that competitive neutrality and transparency are both cornerstones of the development of European space policy;
6. Observes that the Commission does not yet have a horizontal approach with a view to mainstreaming space policy and its objectives into the various fields of policy of the Union; calls on the Commission to do so in future by taking space policy into account in such fields as telecommunications, transport, environment, agriculture, safety or culture;
7. Welcomes the statement by the Commission that space-based telecommunications, navigation and earth observation provide the EU with strategically important knowledge underpinning its external relations in the field of development assistance and humanitarian aid;
8. Calls on the Commission to assign priority to the following aspects: institutional issues; Galileo and Copernicus; the space industry as a generator of growth and employment; impact assessment of space-related activities; independent access to space; the role of R&D; satellite communication; space surveillance and tracking; and space debris;
9. Supports the point made by the Commission that many components of space systems are dual-use or of a military nature and are hence subject to Directive 2009/43/EC of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community⁽¹⁾, as amended by Directive 2012/47/EU of 14 December 2012 as regards the list of defence-related products, Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items⁽²⁾, or the Common Position on arms exports; welcomes the proposal made in the communication to submit a formal report to Parliament on the dual-use export control system before the end of 2013; calls on the Commission, the Member States and the EU Council Working Party on Conventional Arms Exports (COARM) to clarify what regulatory framework should apply to each category of goods and technology;

Institutional affairs

10. Recognises the successes which the ESA has achieved for Europe in the field of space missions in recent decades, and encourages non-ESA Member States to consider accession and increased cooperation; observes, however, that, in the long term, ways of achieving greater operational efficiency and political coordination and responsibility can be achieved by bringing the ESA and the EU closer together in their cooperation, inter alia so as to avoid duplication of activities and overlaps; calls on the Commission to investigate very carefully whether the ESA could, for example, in future be linked to the Union's governance structures as an inter-state organisation as long as it is not felt to be appropriate to convert the ESA into a European agency;
11. Considers that, in the meantime, the EU, in very close cooperation with the ESA, should coordinate the space policies and programmes of the Member States more than hitherto in order to adopt a genuine European approach, while ensuring that the interests of ESA and its member states are respected; observes that it is only by means of a European approach that the space industry can be given the opportunity to become, and also remain, competitive;
12. Calls on the Commission, the Member States and the ESA to establish a form of coordination group whose members should coordinate strategies and measures in the field of space at regular meetings in order to avoid duplication of structures and develop a common approach to international issues and forums;
13. Notes that any increase in the use of space assets by the military must not reduce or limit civilian use and possible future civilian applications; calls on the Member States and the VP/HR to initiate a review of the now outdated 1967 Outer Space Treaty, or else to create a new regulatory framework that takes account of technological progress since the 1960s;

⁽¹⁾ OJ L 146, 10.6.2009, p. 1.

⁽²⁾ OJ L 134, 29.5.2009, p. 1.

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Galileo and Copernicus (GMES)

14. Stresses that the completion of Galileo and the continuation of Copernicus should be assigned the highest priority as the flagships of European space policy, so that the first Galileo services can in practice be opened to the public in 2014;
15. Underlines the fact that EGNOS is the first operational European GNSS programme; calls on the Commission and the Member States to promote and implement the use of EGNOS in various areas, such as transport;
16. Deplores the fact that, in the past, delays have occurred in establishing the European satellite navigation programme Galileo; welcomes the fact that four satellites have now been launched into earth orbit; stresses that the advantages and utility of Galileo in particular and of a European space industry in general should be communicated to society more effectively, and calls on the Commission, in conjunction with future launches of Galileo satellites, to organise high-profile public events in EU capitals to promote Galileo and its potential applications;
17. Stresses that the EU needs to inform people, attract future engineers, spread information about EU satellite navigation and propose a set of incentives for all users in order to use Galileo and EGNOS enabled technologies;
18. Is convinced that the aim of Full Operating Capacity (FOC), based on a constellation of 27 satellites plus a suitable number of spare satellites and adequate ground infrastructure, is a prerequisite in order to realise the added value of Galileo, in terms in particular of high precision and uninterrupted service and thus reap numerous economic and societal benefits;
19. Regrets that not all of the EU is currently covered by the EGNOS system, and calls for that system to be extended to southern, eastern and south-eastern Europe, hence enabling its use throughout Europe;
20. Calls on the Commission and the Member States to inform Parliament about plans to use the Copernicus programme and the public-regulated service of the Galileo programme in support of CSDP missions and operations;

The role of the space industry in driving growth and creating employment

21. Observes that SMEs (not only SMEs, but nonetheless SMEs in particular) require a kind of pump-priming funding from the public sector to give them sufficient funds for long-term investment in R&D; is convinced that public funding and the existence of public customers for products and services of the space industry can drive innovation and thus generate growth and create jobs;
22. Reiterates that the EU must not miss the opportunity to develop the satellite navigation downstream market, and underlines the importance of an action plan for the European GNSS Agency in order to expand the GNSS market, which will be crucial for the future of the EU economy;
23. Recalls that new applications of satellite navigation can increase the safety, efficiency and reliability in areas including the aviation, maritime, road and agriculture sectors, road safety, fee collection, traffic and parking management, fleet management, emergency calls, goods tracking and tracing, online booking, safety of shipping, digital tachographs, animal transport, and sustainable land;
24. Notes the fact mentioned in the communication that 60 % of electronics on board European satellites are currently imported from the US; calls for an initiative on how to protect sensitive or personal data in this context, and for use of the current public procurement process to ensure wherever possible that the purchase of space infrastructure from Member States is used as a further driver of growth in the sector;
25. Urges the Commission, the ESA, the EDA and the Member States to identify critical technologies in the context of the joint European non-dependence process and to develop alternatives which are less dependent on third countries; recalls the risk that the US might, in the event of disagreement, close down or block European space infrastructure;

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26. Calls on the Commission and the Member States to create incentives for European industry to develop space components at European level in order to reduce dependence on imports from third countries;
27. Observes that undertakings from outside the space industry can benefit from products derived from space research; calls on all parties concerned, therefore, to develop exchanges between actors in the space and non-space industries and to work in partnership to develop technologies which can lead to pioneering innovations for the benefit of society; stresses the value of better publicising the tangible benefits that the space industry can bring to the daily lives of Europeans;
28. Stresses that the space-based services and robotics industries, in particular, create numerous market opportunities, above all for SMEs;
29. Stresses that autonomous and intelligent robotic systems are key technologies for the further exploration of space; points in this context to the efficient use of European funding from Horizon 2020, particularly for operations close to the market;
30. Stresses that a suitable pool of highly skilled employees is key to a competitive European space industry; calls therefore on all parties concerned to step up cooperation between universities and industry and to encourage young talent, in particular female talent, to commit to this sector (e.g. by establishing national graduate programmes and training schemes as well as competitions for European and non-European researchers); observes furthermore that the acquisition of talent from third countries (including by attracting back European talent) is indispensable;

Access to space

31. Stresses the importance of access to space for all Member States and of commercial sales for the European space industry; observes at the same time that access to institutional markets in third countries remains partially closed to the European industry; stresses the importance of equal initial conditions for the European industry at international level; calls on the Commission, therefore, to promote reciprocity and to ensure equal opportunities and fair competitive conditions in the context of trade agreements (e.g. TTIP);
32. Stresses the importance of developing and operating European launchers for independent access to space; calls, therefore, on the Commission and the Member States, jointly with the ESA, to maintain and expand a European launcher system and a rocket-launching service in the long term;
33. Considers that the European space industry should make use of existing European space infrastructure, part of which was paid for using European public funds;

The role of research and development

34. Welcomes, additionally, the fact that under the new Framework Programme for Research (Horizon 2020) the sum of EUR 1,5 billion is to be invested in space research and innovation; calls on the Commission, furthermore, in the context of Horizon 2020, to make part of the budget available for R&D relating to applications of satellite communication;
35. Considers that, particularly in the field of research, greater coordination between the EU, the ESA and the Member States is needed; calls on all three parties to develop a joint 'research roadmap' for the period ending in 2020, and to define priorities and objectives for space policy which should be attained jointly, in order to provide consistency of planning for the actors involved, particularly in industry; stresses the importance of research cooperation with third countries;
36. Stresses that the development of GNSS applications and services is essential in order to ensure that the infrastructure investment which Galileo represents is fully exploited and that the Galileo system is developed to its full capacity; stresses the need to ensure that the appropriate funding is provided for research and development in respect of GNSS and for its implementation; regrets the fact that the reduction in the funding allocated to research and innovation for applications based on EGNOS and Galileo is considerably delaying technological progress and the growth of industrial capacity, as well as environmentally effective implementation, in the EU, and therefore urges the Commission to introduce arrangements enabling SMEs to access funding more easily;

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37. Observes that the development of innovative applications in Europe is hampered by various obstacles; reminds the Commission, therefore, that there is an untapped market for the commercial exploitation of space-based data generated by earth observation and satellite programmes; calls on the Commission to conduct a study to identify these obstacles (such as: liability for damage caused by space objects/debris; uncertainty regarding the availability of services; reservations with regard to security and data protection; inadequate awareness of potential; and lack of interoperability), and to put forward possible proposals concerning ways of opening up such markets;

Satellite communication

38. Stresses that satellite communication plays an important role within the European space industry, as orders from this sector provide continuous uses for spacecraft and launchers and thus contribute to the objective of independent access to space for the EU; draws attention, in this context, to the role of independent payload capacity which becomes available when launching commercial satellites (for 'hosted payloads') which can be used to try out new products and technologies in space and thus helps to reduce both the costs and the time required to be able to offer new services;

39. Stresses that satellite communication is an efficient way of providing multimedia services, also to those in industry and society whom it has hitherto been impossible to serve by means of terrestrial technologies;

40. Stresses that satellite networks help to meet the EU Digital Agenda targets with a view to achieving total broadband internet coverage in the EU, particularly in remote areas; calls on the Commission, therefore, to ensure that, with reference to technological neutrality, the satellite internet is appropriately taken into account in the technology mix to be used to expand broadband, for example in the EU's cohesion policy;

41. Observes that satellite communication is taking on an increasingly important logistical function in crises such as natural disasters or in maintaining internal security, as its data and communication links are vital in situations in which no terrestrial infrastructure exists or it has been destroyed;

42. Calls on the Commission, therefore, to analyse the current availability of, and future need for, radio frequencies for satellite communication, and to ensure at the next ITU World Radio Communications Conference that the EU's interests and those of the satellite communication industry in the field of global and regional spectrum allocation are defended appropriately;

43. Considers that the potential for innovation in the field of satellite communication has not by any means been exhausted; draws attention to the potential of the latest technologies, such as Laser Communication Terminals (LCT) or High Throughput Satellites (HTS), to meet the need for ever-increasing exchanges of data at ever-higher data rates;

44. Stresses that Europe can only maintain its technological advance in satellite communication if research efforts in this field are continued at European level;

Space debris

45. Stresses that space-based infrastructure constitutes the backbone of many services used by industry and society in everyday life; observes that loss of access to this infrastructure, for example due to collisions between satellites and other space objects or debris, could impair the safety of economic actors and members of the public;

46. Observes that space debris is a growing problem; calls on the Commission and the Member States to work towards global governance for space; calls on the Commission and the Member States, at the same time, to encourage third countries to sign the Code of Conduct for Outer Space Activities drawn up by the EU through all diplomatic channels;

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47. Calls on the Commission to support the establishment at European level, as quickly as possible, of the programme proposed at the beginning of this year to support observation and tracking of objects in space, in order to ensure greater independence from the institutions in the US that issue warnings of collisions;

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

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Cloud computing**European Parliament resolution of 10 December 2013 on unleashing the potential of cloud computing in Europe (2013/2063(INI))**

(2016/C 468/04)

The European Parliament,

- having regard to the Commission communication of 27 September 2012 entitled ‘Unleashing the potential of cloud computing in Europe’ (COM(2012)0529) and the accompanying working document,
- 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 19 May 2010 entitled ‘A digital agenda for Europe’ (COM(2010)0245),
- having regard to its resolution of 5 May 2010 on a new digital agenda for Europe: 2015.eu⁽¹⁾,
- having regard to Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme,
- having regard to the Commission’s proposal of 25 January 2012 for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (COM(2012)0011),
- having regard to the Commission’s proposal of 19 October 2011 for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility (COM(2011)0665),
- having regard to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity,
- having regard to the work by the European Telecommunications Standards Institute (ETSI) on a cloud standards mapping,
- having regard to Directive 2011/83/EU of Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of Parliament and of the Council, and repealing Council Directive 85/577/EEC and Directive 97/7/EC of Parliament and of the Council
- having regard to Directive 1999/44/EC of Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees⁽²⁾,
- having regard to Directive 95/46/EC of 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⁽³⁾,
- having regard to Directive 2000/31/EC of Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market⁽⁴⁾,

⁽¹⁾ OJ C 81 E, 15.3.2011, p. 45.

⁽²⁾ OJ L 171, 7.7.1999, p. 12.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁴⁾ OJ L 178, 17.7.2000, p. 1.

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- having regard to Directive 2001/29/EC of Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on the Internal Market and Consumer Protection (A7-0353/2013),
- A. whereas while remote computing services in various forms, now commonly known as ‘cloud computing’, are not new, the scale, performance and content of cloud computing constitute a significant advancement in information and communication technologies (ICT);
- B. whereas cloud computing has nonetheless attracted attention in recent years owing to the development of new and innovative large-scale business models, a strong push by cloud vendors, technological innovations and increased computing capabilities, lower prices and high-speed communications, as well as to the potential economic and efficiency benefits, including in terms of energy consumption, that cloud services offer all kinds of users;
- C. whereas the deployment and development of cloud services in sparsely populated and remote areas can contribute to reducing their isolation, while at the same time pose particularly serious challenges given the insufficient availability of necessary infrastructure;
- D. whereas the vendor benefits of cloud services consist of e.g. service fees, monetisation of underutilised and excess computing resources, economies of scale, the possibility of a captive customer base (so called lock-in effect) and secondary uses of user information, such as for advertising, with due regard for the requirements of personal data privacy and protection; whereas a lock-in effect can have competitive disadvantages that nevertheless can be dealt with through reasonable standardisation measures and better transparency on intellectual property licensing agreements;
- E. whereas the user benefits of cloud services consist of potentially lower costs, ubiquitous access, convenience, reliability, scalability and security;
- F. whereas cloud computing also entails risks for users, in particular as regards sensitive data, and users need to be aware of those risks; whereas if cloud processing is done in a particular country, the authorities of that country can have access to the data; whereas this should be taken into account by the Commission when issuing proposals and recommendations regarding cloud computing;
- G. whereas cloud services oblige users to hand over information to the cloud storage provider, a third party, raising issues relating to the continued control over and access to the information of individual users and its protection against the provider itself, other users of the same service and other parties; whereas encouragement of services which allow for the user and only the user to hold keys to the information stored, without the cloud storage providers themselves being able to access that information, could solve some of the issues pertaining to this problem;
- H. whereas the increased use of cloud services provided by a limited number of large providers means that increasing amounts of information is aggregated in the hands of those providers, thus magnifying their efficiencies but also increasing the risks of catastrophic losses of information, of centralised points of failure that could undermine the stability of the internet and of access to the information by third parties;
- I. whereas the responsibilities and liabilities of all the stakeholders involved in cloud computing services should be clarified, in particular as they apply to security and to respect of data protection requirements;

⁽¹⁾ OJ L 167, 22.6.2001, p. 10.

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- J. whereas the market for cloud services appears bifurcated along consumer and business lines;
- K. whereas for business users, standardised cloud services can, if they meet the particular needs of the user, be an attractive means of converting capital cost to operating expense and of enabling fast availability and scaling of additional storage and processing capacity;
- L. whereas for consumers, the fact that providers of operating systems for various types of consumer devices, in particular, are increasingly steering consumers — through the use of default settings, etc. — towards using proprietary cloud services, means that these providers are creating a captive consumer-base and aggregating the information of their users;
- M. whereas the use of external cloud services in the public sector has to be weighted carefully against any increased risks with regard to information on citizens and against the ensured performance of public service functions;
- N. whereas, from a security perspective, the introduction of cloud services means that the responsibility for maintaining the security of information belonging to each individual user is shifted from the individual to the provider, thereby raising the need to ensure that service providers have the legal ability to provide secure and robust solutions for communication;
- O. whereas the development of cloud services will increase the amount of transmitted data and the demand for bandwidth, higher upload speeds and more available high-speed broadband;
- P. whereas the achievement of Europe's digital agenda targets, in particular broadband uptake and access for all, cross-border public services and research and innovation goals, is a necessary step if the EU is fully to reap the benefits that cloud computing has to offer;
- Q. whereas there have recently been developments involving security breaches, in particular the PRISM spying scandal;
- R. whereas there is a lack of server farms on European soil;
- S. whereas the Digital Single Market is a key factor in attaining the targets of the Europe 2020 strategy, which would provide a significant boost in efforts to meet the objectives of the Single Market Act and respond to the economic and financial crisis affecting the EU;
- T. whereas EU-wide broadband provision, universal and equal access to internet services for all citizens, and a guarantee of network neutrality are the essential prerequisites for the development of a European cloud computing system;
- U. whereas the Connecting Europe Facility is intended, among other things, to increase broadband uptake in Europe;
- V. whereas cloud computing should stimulate the integration of SMEs through the reduction of market entry barriers (e.g. by decreasing IT infrastructure costs);
- W. whereas it is essential for a European cloud computing system that EU legal standards on data protection are guaranteed;
- X. whereas the development of cloud computing should help promote creativity for the benefit of both rights-holders and users; whereas, furthermore, distortions in the Single Market should be avoided in the process and consumer and business confidence in cloud computing should be boosted;

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General

1. Welcomes the Commission's communication on unleashing the potential of cloud computing in Europe and approves the Commission's ambition to develop a coherent approach to cloud services, but considers that, in order to achieve the ambitious goals set out by the strategy, a legislative instrument would have been more adequate for some aspects;
2. Underlines that policies enabling high-capacity and secure communications infrastructure are a crucial element for all services relying on communications, including cloud services, but highlights that, owing to the limited budget of the Connecting Europe Facility, support for broadband deployment needs to be supplemented with assistance provided under other Union programmes and initiatives, including the European Structural and Investment Funds;
3. Underlines that cloud services must offer security and reliability commensurate to the increased risks flowing from the concentration of data and information in the hands of a limited number of providers;
4. Underlines that Union law should be neutral and, absent compelling reasons of public interest, not be adapted to either facilitate or hinder any legal business model or service;
5. Stresses that a strategy on cloud computing should encompass collateral aspects such as the energy consumption of data centres and related environmental issues;
6. Emphasises the vast possibilities that having access to data from any device connected to the internet offers;
7. Stresses the obvious interest, from a dual perspective, for the EU in having more server farms on its soil: in terms of industrial policy, it would allow for enhanced synergies with the roll-out objectives for Next Generation Access Networks (NGA) set out in the digital agenda, and in terms of the Union's data protection regime, it would foster trust by ensuring EU sovereignty over the servers;
8. Underlines the importance of digital literacy among all citizens, and urges the Member States to develop concepts of how to promote the safe use of internet services, including cloud computing;

The cloud as an instrument for growth and employment

9. Emphasises that, given the economic potential of the cloud for increasing Europe's global competitiveness, it can become a powerful instrument for growth and employment;
10. Stresses, therefore, that the development of cloud services, in the absence or insufficient availability of broadband infrastructure, risks widening the digital divide between urban and rural areas, which will make territorial cohesion and regional economic growth still harder to achieve;
11. Highlights that the Union faces multiple, simultaneous pressures on GDP growth at a time when the scope to stimulate growth from public funds is limited by high debt and deficit levels, and calls on the European institutions and the Member States to mobilise every possible growth lever; notes that cloud computing can become a transformative development in all sectors of the economy, with special relevance in areas such as health care, energy, public services and education;
12. Stresses that unemployment, including youth and long-term unemployment, has reached unacceptably high levels in Europe and is likely to remain high in the near future, and that determined and urgent action is needed at all political levels; notes that e-skills and digital education actions in cloud computing development can, consequently, be of extraordinary importance in order to tackle the rising unemployment, especially among young people;
13. Underlines the need for greater e-skills among users and for training to show the benefits that cloud computing can offer; recalls the need to create more qualification schemes for specialists managing cloud computing services;

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14. Highlights that SMEs are at the heart of the EU's economy and that more actions are needed to promote the global competitiveness of EU SMEs and to set the best possible environment for the uptake of new promising technological developments, such as cloud computing, which can have a high impact on the competitiveness of EU businesses;

15. Insists on the positive impact of cloud computing services on SMEs, in particular those established in remote or outermost areas or facing economic difficulties, as such services contribute to the reduction of fixed costs for SMEs by allowing the rental of computing power and storage, and calls on the Commission to consider an appropriate framework allowing SMEs to increase their growth and productivity, as SMEs can benefit from reduced upfront costs and better access to analytics tools;

16. Encourages the Commission and the Member States to communicate the economic potential of cloud computing to SMEs in particular;

17. Points out that the EU must take advantage of the fact that this technology is at a relatively early stage and must work towards developing it in order to benefit from the economies of scale which it is expected to offer, thereby revitalising the Union's economy, particularly in the ICT sector;

The EU market and the cloud

18. Stresses that the internal market should remain open to all providers complying with Union law, as the global free flow of services and information increases the competitiveness of and opportunities for Union industry and benefits Union citizens;

19. Regrets the indications of massive, pervasive and indiscriminate governmental access to information related to Union users stored in third-country clouds, and calls for cloud service providers to be transparent about how they manage the information that consumers make available to them through the use of cloud services;

20. Insists that, in order to counter the risk that information is accessed directly or indirectly by foreign governments, where such access is not allowed under Union law, the Commission shall:

- (i) ensure that users are aware of this risk, including by supporting the European Network and Information Security Agency (ENISA) in activating the public interest information platform in the Universal Service Directive;
- (ii) sponsor research in and commercial deployment or public procurement of relevant technologies, such as encryption and anonymisation, enabling users to secure their information in an easy way; and
- (iii) involve ENISA in verifying the minimum security and privacy standards of cloud computing services offered to EU consumers and, in particular, to the public sector;

21. Welcomes the Commission's intention to establish an EU-wide certification system that would provide an incentive for developers and providers of cloud computing services to invest in better privacy protection;

22. Calls on the Commission, in cooperation with Union industry and other stakeholders, to identify areas where a specific Union approach could prove particularly attractive globally;

23. Emphasises the importance of ensuring a competitive and transparent Union market in order to provide all Union users with secure, sustainable, affordable and reliable services; calls for a simple, transparent method to identify security flaws in such a way that service providers on the European market have a sufficient and appropriate incentive to remedy such flaws;

24. Underlines that all cloud providers operating in the Union must compete on an even playing field, with the same rules applicable to all;

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Public procurement, and procurement of innovative solutions, and the cloud

25. Stresses that the take-up of cloud services by the public sector has the potential to reduce costs for public administrations and provide more efficient services to citizens, whilst the digital leverage effect to all sectors of the economy would be extremely beneficial; points out that the private sector can also take advantage of those cloud services for the procurement of innovative solutions;

26. Encourages public administrations to consider safe, reliable and secure cloud services in IT procurement, while underlining their particular responsibilities with respect to protection of information relating to citizens, accessibility and continuity of service;

27. Calls, in particular, on the Commission to consider making use of cloud services, where appropriate, in order to provide an example to others;

28. Calls on the Commission and the Member States to speed up the work of the European Cloud Partnership;

29. Calls on the Commission and the Member States to make cloud computing a priority area for research and development programmes, and to promote it in the public administration sector as an innovative e-government solution of public interest, as well as in the private sector as an innovative tool for business development;

30. Stresses that the use of cloud services by public authorities, including by law enforcement authorities and EU institutions, requires special consideration and coordination between the Member States; recalls that data integrity and security must be guaranteed and unauthorised access, including by foreign governments and their intelligence services without a legal basis under Union or Member State law, prevented; stresses that this also applies to the specific processing activities of certain essential non-governmental services, in particular the processing of specific categories of personal data, such as by banks, insurance companies, pension funds, schools and hospitals; stresses, furthermore, that all of the aforementioned is of particular importance if data is being transferred (outside the European Union between different jurisdictions); takes the view, therefore, that public authorities, as well as non-governmental services and the private sector, should, as far as possible, rely on EU cloud providers when processing sensitive data and information until satisfactory global rules on data protection have been introduced, ensuring the security of sensitive data and of data bases held by public entities;

Standards and the cloud

31. Calls on the Commission to take the lead in promoting standards and specifications supporting privacy-friendly, reliable, highly interoperable, secure and energy-efficient cloud services as an integral part of a future Union industrial policy; stresses that reliability, security and protection of data is needed for consumer confidence and competitiveness;

32. Stresses that standards are based on examples of best practices;

33. Insists that standards should enable easy and complete data and service portability, and a high degree of interoperability between cloud services, in order to increase rather than limit competitiveness;

34. Welcomes the mapping of standards that has been entrusted to ETSI, and highlights the importance of continuing to follow an open and transparent process;

Consumers and the cloud

35. Calls on the Commission to ensure that consumer devices do not make use of cloud services by default and are not restricted to specific cloud service provider;

36. Calls on the Commission to ensure that any commercial agreements between telecommunications operators and cloud providers are fully compliant with EU competition law and that they allow consumers full access to any cloud service, using an internet connection offered by any telecommunications operator;

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37. Reminds the Commission of its as yet unexploited prerogative, under Directive 1999/5/EC (the RTTE Directive), to require that equipment incorporates safeguards protecting users' information;
38. Calls on the Commission and the Member States to raise consumer awareness of all risks related to the use of cloud services;
39. Calls on the Commission to ensure that consumers, when prompted to accept or otherwise offered a cloud service, are first given the information necessary for an educated decision, particularly when it comes to the jurisdiction covering the data stored in these cloud services;
40. Stresses that the information thus provided should identify, among other things, who the ultimate provider of the service is and how the service is financed; stresses, furthermore, that if the service is financed by using users' information to target advertising or enable others to do so, this should be disclosed to the user;
41. Stresses that the information should be in a standardised, portable, easily comprehensible and comparable format;
42. Calls on the Commission to explore appropriate measures to develop a minimum acceptable level of consumer rights in relation to cloud services, covering issues such as privacy, data storage in third countries, liability for data losses and other matters of significant interest to consumers;
43. Calls on the Commission and the Member States to adopt specific measures on the use and promotion of cloud computing in relation to open access and open educational resources;

Intellectual property, civil law etc. and the cloud

44. Urges the Commission to take action to further harmonise laws across the Member States in order to avoid jurisdictional confusion and fragmentation and to ensure transparency in the digital single market;
45. Calls on the Commission to review other EU legislation to address gaps related to cloud computing; calls, in particular, for clarification of the intellectual property rights regime and for a review of the Unfair Commercial Practices Directive, the Unfair Contract Terms Directive and the E-Commerce Directive, which are the most relevant pieces of EU legislation that apply to cloud computing;
46. Calls on the Commission to establish a clear legal framework in the field of copyright content in the cloud, especially with regard to licensing regulations;
47. Acknowledges that the advent of the storage of copyright works by cloud computing services should not compromise the right of European right holders to receive fair compensation for the use of their work, but questions whether these services can be considered to be on par with traditional and digital recording and storage media and equipment;
48. Calls on the Commission to investigate the different types of cloud computing services, how the cloud storage of copyrighted works affects the royalties systems and, more specifically, the ways in which private copying levies that are relevant for certain types of cloud computing services are imposed;
49. Calls on the Commission to promote the development, jointly with stakeholders, of decentralised services based on free and open-source software that would help harmonise practices across cloud providers and enable EU citizens to regain control over their personal data and communication, for example by means of point-to-point encryption;
50. Stresses that, owing to uncertainties regarding applicable law and jurisdiction, contracts are the main tools for establishing relations between cloud providers and their customers, and that there is therefore a clear need for common EU guidelines in that field;

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51. Calls on the Commission to work together with the Member States to develop EU best practice models for contracts, or 'model contracts', that will ensure complete transparency by providing all terms and conditions in a very clear format;

52. Calls on the Commission to develop, together with stakeholders, voluntary certification schemes for provider security systems which would help to harmonise practices across cloud providers and which would make clients more aware of what they should expect from cloud service providers;

53. Stresses that, owing to jurisdiction problems, EU consumers are in practice unlikely to be able to seek redress from cloud services providers in other jurisdictions; calls, therefore, on the Commission to provide adequate means of redress in the consumer services area, since there is a strong imbalance of power between consumers and providers of cloud computing;

54. Calls on the Commission to ensure the speedy implementation of Alternative Dispute Resolution and Online Dispute Resolution and to make sure that consumers are equipped with adequate means of collective redress against security and privacy breaches as well as against illegal contract provisions for cloud services;

55. Regrets the current lack of effective remedies for users in case of breach of contract;

56. Calls for systematic consumer information regarding the processing activities of personal data to be included in contract proposals, as well as for users' consent to be compulsory before the terms of a contract may be changed;

57. Calls on the Commission, within the framework of its expert group discussions, to require cloud providers to include in contracts certain key clauses guaranteeing the quality of the service, such as obligations to update software and hardware where necessary, to determine what happens if data is lost, and to determine the time it would take to resolve a problem, or how rapidly the cloud service could take down offending materials, should the cloud user make such a request;

58. Recalls that where a cloud provider uses the data for a purpose other than that agreed on in the service agreement, or communicates data or uses it in a way contrary to the terms of the contract, he should be considered data controller and should be held liable for the infringements and breaches incurred;

59. Stresses that cloud services agreements must set out, in a clear and transparent manner, the duties and rights of the parties concerning data processing activities by cloud providers; points out that the contractual arrangements shall not entail a waiver of the safeguards, rights and protections afforded by Union data protection law; urges the Commission to come forward with proposals to restore the balance between cloud service providers and their customers as regards the terms and conditions used by cloud services, including provisions to:

— ensure protection against arbitrary cancellation of services and deletion of data;

— guarantee a reasonable chance for customers to recover stored data in cases of cancellation of service and/or removal of data;

— provide clear guidelines for cloud providers to facilitate the easy migration of their customers to other services;

60. Highlights that the role of the cloud service provider under current Union legislation needs to be determined on a case-by-case basis, as providers can be both data processors and data controllers; calls for the terms and conditions for all users to be improved through the development of international best practice models for contracts and through the clarification of where the service provider stores data and under which area of law within the EU;

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61. Highlights that particular attention must be given to situations in which the imbalance in the contractual situation between the customer and the cloud provider leads the customer to enter into contractual arrangements imposing standard services and a contract to be signed in which the provider defines the purposes, conditions and means of the processing ⁽¹⁾; stresses that, in such circumstances, the cloud provider should be considered data controller and become jointly liable with the customer;

Data protection, fundamental rights, law enforcement and the cloud

62. Takes the view that access to a safe internet is a fundamental right of every citizen and that cloud computing will continue to play an important role in this aspect; reiterates, therefore, its call on the Commission and the Council unequivocally to recognise digital freedoms as fundamental rights and as indispensable prerequisites for enjoying universal human rights;

63. Reiterates that, as a general rule, the level of data protection in a cloud computing environment must not be inferior to that required in any other data-processing context;

64. Stresses that Union data protection law, since it is technologically neutral, already now fully applies to cloud computing services operating in the EU and must, therefore, be fully respected; stresses that the opinion of the Working Party of the Article 29 (WP29) on Cloud Computing ⁽²⁾ should be taken into account as it provides clear guidance for the application of Union data protection law principles and rules to cloud services, such as the concepts of controller/processor, purpose limitation and proportionality, integrity and data security, the use of subcontractors, allocation of responsibilities, data breaches and international transfers; underlines the need to close any gaps in the protection as regards cloud computing in the ongoing review of the Union data protection legal framework based on further guidance by the European Data Protection Supervisor and the WP29;

65. Recalls its serious concern about the recent unveiling of US National Security Agency surveillance programmes, and of similar programmes operated by intelligence agencies in various Member States, in the recognition that, should the information available up to now be confirmed, these programmes entail a serious violation of the fundamental right of EU citizens and residents to privacy and data protection, as well as of the right to private and family life, the confidentiality of communications, the presumption of innocence, freedom of expression, freedom of information, and the freedom to conduct business;

66. Reiterates its serious concerns about the compulsory direct disclosure of EU personal data and information, processed under cloud agreements, to third country authorities by cloud providers subject to third country laws or using storage servers located in third countries, and about direct remote access to personal data and information processed by third-country law enforcement authorities and intelligence services;

67. Regrets that such access is usually attained by means of direct enforcement by third countries authorities of their own legal rules, without recourse to international instruments established for legal cooperation such as mutual legal assistance (MLA) agreements or other forms of judicial cooperation;

68. Stresses that such practices raise questions of trust as regards non-EU cloud and online service providers, and as regards third countries that do not rely on international instruments for legal and judicial cooperation;

69. Expects the Commission and the Council to take such measures as are necessary to solve this situation and to ensure the respect of the fundamental rights of EU citizens;

70. Recalls that all companies providing services in the EU must, without exception, comply with EU law and are liable for any breaches;

⁽¹⁾ Particularly in the case of consumers and SMEs using cloud services.

⁽²⁾ Opinion 5/2012, WP 196, available at http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/index_en.htm#h2-1

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71. Stresses that cloud services that fall under third country jurisdiction should provide users located in the EU with a clear and distinguishable warning of the possibility that their personal data may be subject to intelligence and law enforcement surveillance by third country authorities under secret orders or injunctions, followed, where applicable, by a request for the data subject's explicit consent for the processing of personal data;

72. Urges the Commission, when negotiating international agreements that involve the processing of personal data, to take particular note of the risks and challenges that cloud computing poses to fundamental rights, in particular — but not exclusively — the right to private life and to the protection of personal data, as laid down in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union; urges, furthermore, the Commission to take note of the negotiating partner's domestic rules governing the access of law enforcement and intelligence agencies to personal data processed through cloud computing service, in particular by demanding that such access for law enforcement and intelligence authorities only be granted with full respect for the due process of law and on an unambiguous legal basis, as well as the requirement that the exact conditions of access, the purpose of gaining such access, the security measures put in place when handing over data and the rights of the individual, as well as the rules for supervision and for an effective redress mechanism, be specified;

73. Stresses its serious concerns about the work carried out within the Council of Europe's Cybercrime Convention Committee with a view to developing an additional protocol on the interpretation of Article 32 of the Convention on Cybercrime of 23 November 2001 on 'trans-border access to stored computer data with consent or where publicly available'⁽¹⁾ in order to 'facilitate its effective use and implementation in the light of legal, policy and technological developments'; calls on the Commission and the Member States, in view of the forthcoming consideration by the Committee of Ministers of the Council of Europe, to ensure the compatibility of the provision of Article 32 of the Convention on Cybercrime, and its interpretation in the Member States, with fundamental rights, including data protection and, in particular, the provisions on trans-border flows of personal data, as enshrined in the EU Charter of Fundamental Rights, the EU data protection *acquis*, the European Convention of Human Rights and the Council of Europe Convention on the Protection of Individuals with Regard to Automatic Processing ('Convention 108'), which are legally binding upon the Member States; calls on the Commission and the Member States to reject firmly any measure that would put the application of these rights at risk; is alarmed by the fact that should such an additional protocol be endorsed, its implementation could result in unfettered remote access by law enforcement authorities on servers and computer systems located in other jurisdictions, without recourse to MLA agreements and other instruments of judicial cooperation put in place to guarantee the fundamental rights of the individual, including data protection and due process;

74. Underlines that particular attention must be paid to SMEs which increasingly rely on cloud computing technology when processing personal data, and which may not always have the resources or the expertise to address security challenges adequately;

75. Stresses that the qualification of data controller or processor needs to be reflected in an appropriate manner by the actual level of control it has over the means of processing, in order that the responsibilities for the protection of personal data with the use of cloud computing are clearly allocated;

76. Stresses that all the principles laid down in EU data protection law, such as fairness and lawfulness, purpose limitation, proportionality, accuracy and limited data retention periods, must be taken fully into account by cloud computing service providers when processing personal data;

77. Underlines the importance of having effective, proportionate and dissuasive administrative sanctions that may be imposed on cloud computing services that do not comply with EU data protection standards;

⁽¹⁾ [http://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/TCY%202013/TCY\(2013\)14transb_elements_protocol_V2.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/TCY%202013/TCY(2013)14transb_elements_protocol_V2.pdf) http://www.coe.int/t/DGHL/cooperation/economiccrime/cybercrime/default_en.asp

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78. Stresses that, in order to define the most appropriate safeguards to implement, the data protection impact of each cloud computing service must be assessed on an ad hoc basis;
79. Stresses that a European cloud service provider should always act in conformity with EU data protection law, even if this conflicts with instructions by a client or controller established in a third country, or when the data subjects concerned are (solely) residents of third countries;
80. Stresses the need to address the challenges raised by cloud computing at an international level, in particular as regards government intelligence surveillance and necessary safeguards;
81. Stresses that EU citizens subject to intelligence surveillance by third country authorities should benefit from at least the same safeguards and remedies as are available to citizens of the third country concerned;
82. Regrets the approach in the Commission's communication whereby it fails to mention the risks and challenges attached to cloud computing, and urges the Commission to continue its work on cloud computing by developing a more holistic communication on cloud computing that takes into account the interests of all stakeholders, and that contains, alongside a standard reference to the protection of fundamental rights and compliance with data protection requirements, at least the following:
- guidelines to ensure full compliance with the EU's fundamental rights and data protection obligations;
 - limitative conditions under which cloud data may or may not be accessed for law enforcement purposes, in compliance with the EU Charter of Fundamental Rights and with EU law;
 - safeguards against illegal access by foreign and domestic entities, for instance by amending procurement requirements and applying Council Regulation (EC) No 2271/96 ⁽¹⁾ to counteract foreign laws that may result in massive illegal transfers of the cloud data of EU citizens and residents;
 - proposals on how to define the 'transfer' of personal data and on how to update standard contractual clauses that are tailored to the cloud environment, as 'cloud computing' often involves massive flows of data from cloud clients to cloud providers' servers and data centres, involving many different parties and crossing borders between EU and non-EU countries;
83. Calls on the Commission to explore the adequacy of a review of the EU-US Safe Harbour Agreement, in order to adapt it to technological developments, especially with regard to aspects linked to cloud computing;
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84. Instructs its President to forward this resolution to the Council and the Commission.
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⁽¹⁾ Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309, 29.11.1996, p. 1).

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P7_TA(2013)0536

Evaluation report regarding BEREC

European Parliament resolution of 10 December 2013 containing its opinion on the evaluation report regarding BEREC and the Office (2013/2053(INI))

(2016/C 468/05)

The European Parliament,

- having regard to the Commission staff working document of 23 April 2013 on the Evaluation Report of the Body of European Regulators for Electronic Communications (BEREC) and its office (SWD(2013)0152),
 - having regard to the Commission communication of 19 May 2010 entitled 'A Digital Agenda for Europe' (COM(2010)0245),
 - having regard to Article 114 of the Treaty on the Functioning of the European Union,
 - having regard to its resolution of 5 May 2010 on 'a new Digital Agenda for Europe: 2015.eu' ⁽¹⁾,
 - having regard to the framework for electronic communications,
 - having regard to Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office ⁽²⁾,
 - having regard to Rule 119(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on Budgets (A7-0378/2013),
- A. whereas the Body of European Regulators for Electronic Communications (BEREC) was created to contribute to shaping technical and policy orientations for the completion of the internal market, with the twin aims of giving regulators the utmost possible independence and making their implementation of the regulatory framework more consistent throughout the EU;
- B. whereas the evaluation report appreciates and recognises the worth of BEREC and the BEREC Office, notably with respect to the Article 7/7a procedures and in the areas of net neutrality and international roaming;
- C. whereas only a short period of time has passed since BEREC and the BEREC Office were created;
- D. whereas the completion of the internal market is a continual process best served by improving regulation across individual national markets, and whereas the most robust and sustainable way to achieve this (thereby ensuring that regulatory decisions are seen as having legitimacy within national markets) is through the 'bottom-up' approach currently represented by BEREC;
- E. whereas BEREC can only be effective if its independence from the Member States and the EU institutions is guaranteed;
- F. whereas national considerations may complicate the definition of common positions, making agreement more difficult;

⁽¹⁾ OJ C 81 E, 15.3.2011, p. 45.

⁽²⁾ OJ L 337, 18.12.2009, p. 1.

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- G. whereas BEREC plays a fundamental role in enhancing the consistent application of the EU regulatory framework in all Member States, which is essential for the successful development of an internal market in electronic communications networks and services;
- H. whereas recent initiatives taken at national level, particularly with regard to spending review processes, could affect the implementation of the independence principle;
- I. whereas national regulatory authorities (NRAs) are not homogeneous, given that they sometimes have very different powers within their home countries, some dealing only with market regulation while others also deal with aspects such as market regulation, net security, privacy, domain register, spectrum and user services;
- J. whereas it is possible that optimal use is not being made of the BEREC Office at present;
- K. whereas some of the Union agencies based in other countries also have a satellite office in Brussels;
- L. whereas most of the expert working group meetings were held in Brussels or hosted by an NRA, and whereas videoconferencing should be developed;
- M. whereas consumer benefit is one of the main goals of the internal market in electronic communications;
- N. whereas decisions taken by BEREC at European level should create European added value;
1. Considers that the evaluation report is, overall, relevant and balanced;
 2. Considers that time is needed to fully develop the requisite cooperation, coordination and informal aspects of regulation;
 3. Considers that there is still room for improvement in the functioning of BEREC and the BEREC Office, while acknowledging the limited resources available; stresses, however, that the use of the new procedure under Article 7/7a of Directive 2009/140/EC on a common regulatory framework for electronic communications networks and services has worked effectively, justifying the two-tier set-up;
 4. Emphasises that BEREC is the smallest EU agency, with an EU budget contribution of only EUR 3 768 696 and 16 authorised posts under the EU budget in 2013, primarily providing administrative support for the BEREC structure, which is composed of national regulatory authorities;
 5. Recalls the opinion of the Committee on Budgets of 29 May 2008 on the proposal for a regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority (COM(2007) 0699 — C6-0428/2007 — 2007/0249(COD)), by which the establishment of a new agency was rejected;
 6. Considers that NRAs play an important role within the regulatory system, as national markets have immutable differences related to network topology and also differ with respect to consumer demand patterns, demographics, etc.; stresses that in order to ensure structured cooperation within the EU, and thus a correctly functioning single market, it is essential to have independent, sector-specific and properly resourced regulators;
 7. Considers that BEREC plays a crucial role within the regulatory system as the entity tasked with aligning national factual and regulatory differences with a view to completing the internal market in electronic communications;
 8. Recommends that BEREC's role, in particular its relationship with NRAs, be better defined, and strengthened by broadening its responsibilities so as to facilitate the definition of common positions with a view to enhancing the internal market approach, including by evaluating the efficiency of current cooperation with NRAs and the Commission under the Article 7/7a procedures;
 9. Considers that greater harmonisation of the tasks carried out by NRAs in the Member States, giving them competence for relevant aspects directly related to security and resilience in the internal market in electronic communications, could contribute to better functioning of BEREC and greater predictability for market actors;

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10. Calls on the Member States and the Commission to ensure that the independence of NRAs at national and European level is strengthened, not weakened, as this is the only way to ensure the overall independence of BEREC;
 11. Considers that the roles and structure of BEREC and the BEREC Office should be adapted according to the level of completion of the internal market in electronic communications;
 12. Calls on the Commission to guarantee BEREC's independence from the EU institutions in future proposals relating to the scope and mission of BEREC;
 13. Considers that BEREC should act in the interests of the European public, and that the mechanisms for accountability to the European Parliament, as the only EU institution directly elected to represent the interests of the European public, should be strengthened;
 14. Recommends that BEREC strengthen its internal accountability by clearly defining its objectives in its annual work programme and presenting in its annual report its achievements and progress on the basis of those objectives;
 15. Deems it to be of the utmost importance for the coherence and consistency of BEREC's work to better prioritise its tasks and to foster communication with all interested stakeholders at the development stage of its annual work programme;
 16. Considers that BEREC should have more room to take strategic decisions, meaning, among other things, that BEREC should produce its own analysis and studies enabling it to take such decisions, so that the decision-making process is more top-down and independent;
 17. Emphasises that BEREC's advisory role upstream of legislative proposals affecting the electronic communications sector should be made methodical;
 18. Considers that BEREC's external communication should be clarified and improved in order to encourage stakeholder involvement at all levels of policymaking;
 19. Recommends formalising the role of the Independent Regulators Group (IRG) in Brussels, while ensuring that it does not duplicate the tasks entrusted to the BEREC Office;
 20. Recommends that greater use be made of teleworking, videoconferencing and other remote working techniques enabled by electronic communications, in order to cut costs and reduce the carbon footprint;
 21. Recommends that the Commission and the Member States ensure that adequate financing is made available for BEREC and for the NRAs;
 22. Considers that the location of the BEREC Office is not a barrier to monitoring the EU institutions' day-to-day work on electronic communications, which is a matter of special interest to BEREC, and that it will not hamper the efficient use of the BEREC Office, provided that greater use is made of electronic communications strategies;
 23. Considers that the mission of the BEREC Office should be revised, reinforced and defined more precisely, taking particular account of the outcome of the BEREC audit on this matter;
 24. Recommends that the necessary changes be made, and the necessary resources considered, to enable the BEREC Office to support BEREC's substantive work more effectively and efficiently, rather than simply providing administrative support;
 25. Considers that any discussions on the location of the BEREC Office should be conducted with a view to reinforcing its independence from the EU institutions and the Member States and with due regard to the principle of equal geographical distribution of the seats of the EU's institutions, agencies and other entities;
 26. Considers that greater consolidation is needed to enable operators to exploit economies of scale more fully, and that BEREC should have a prominent role to play in that process;
 27. Considers that a clear and stable legislative framework is needed for a better internal market that will result in increased competition and improved services for consumers;
 28. Instructs its President to forward this resolution to the Council and the Commission.
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P7_TA(2013)0544

Defining criteria determining when recovered paper ceases to be waste pursuant to Article 6 (1) of Directive 2008/98/EC on waste**European Parliament resolution of 10 December 2013 on the draft Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6(1) of Directive 2008/98/EC on waste (D021155/01 — 2012/2742(RPS))**

(2016/C 468/06)

The European Parliament,

- having regard to the proposal for a Council Regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6(1) of Directive 2008/98/EC on waste (COM(2013)0502),
 - having regard to the JRC scientific and technical report entitled 'End-of-waste criteria for waste paper: technical proposals', published in March 2011,
 - having regard to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives ⁽¹⁾, and in particular Article 6(1) thereof,
 - having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ⁽²⁾, and in particular Article 49 thereof,
 - having regard to Commission Decision 2011/753/EU establishing rules and calculation methods for verifying compliance with the targets set in Article 11(2) of Directive 2008/98/EC ⁽³⁾, and in particular Article 2(2) thereof,
 - having regard to the Commission communication of 26 January 2011 entitled 'A resource-efficient Europe — Flagship initiative under the Europe 2020 Strategy' (COM(2011)0021),
 - having regard to the opinion delivered on 9 July 2012 by the committee referred to in Article 39 of Directive 2008/98/EC,
 - having regard to Article 5a(4)(e) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾,
 - having regard to Rule 88(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas defining end-of-waste criteria in accordance with Directive 2008/98/EC can be an important instrument to promote recycling and a market for secondary raw materials, and can thereby improve resource efficiency;
- B. whereas the proposed Council regulation stipulates that waste paper with a non-paper component equal to or less than 1,5 % of air dry weight shall cease to be waste when it is destined for the use of paper fibres for paper manufacturing, subject to certain additional criteria;

⁽¹⁾ OJ L 312, 22.11.2008, p. 3.⁽²⁾ OJ L 190, 12.7.2006, p. 1.⁽³⁾ OJ L 310, 25.11.2011, p. 11.⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

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- C. whereas multi-material paper with a non-paper content of more than 30 % of air dry weight shall count in its totality as non-paper component; whereas a typical multi-material paper container contains just 30 % or less of non-paper components (24 % of polyethylene, 6 % of aluminium) and would thus not count as a non-paper component; whereas, as a result, a waste paper stream could contain any amount of multi-material paper containers (with their high content of non-paper components as well as non-negligible residual content of liquids, food and other organic material attached thereto) and would be seen no longer as waste but as a product;
- D. whereas, under Article 3(17) of Directive 2008/98/EC, 'recycling' is defined as 'any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes';
- E. whereas the draft regulation defines the end-of-waste point as the point when the recovered paper is destined for the use of paper fibres for paper manufacturing, thus placing it before the actual reprocessing in the paper mill; whereas this conflicts with the existing definition of 'recycling', which requires reprocessing of waste materials;
- F. whereas such waste material obtained after collection and sorting has only been pre-processed (not reprocessed) and cannot be used without further reprocessing;
- G. whereas defining end-of-waste before recycling has actually taken place would cause problems in relation to a vast body of existing Community legislation such as that relating to eco-labels, public procurement, eco-design and REACH in which, hitherto, 'recycling' has been referred to as resulting in a ready-to-be-used recycled product and, furthermore, contradicts Article 2(2) of Commission Decision 2011/753/EU, in which 'pre-processing' is clearly differentiated from 'final recycling';
- H. whereas, pursuant to Article 6(1) of Directive 2008/98/EC, certain specified waste shall cease to be waste when it has undergone a recovery operation (including recycling) and complies with specific criteria to be developed in accordance with the conditions laid down in that article; whereas those conditions include: a) that the substance or object complies with the existing legislation and standards applicable to products (Article 6(1c)); and b) that the use of the substance or object will not lead to overall adverse environmental or human health impacts (Article 6(1d));
- I. whereas the threshold for the non-paper component of 1,5 % is based on the European standard EN 643; whereas according to the JRC study this standard 'is a central element in waste paper trade' and 'specifies a list of European standard grades of waste'; whereas reliance on this standard for setting end-of-waste criteria clearly violates Article 6(1) (c) of Directive 2008/98/EC, which explicitly refers to 'standards applicable to products', and not to standards applicable to waste;
- J. whereas relevant paper product standards such as ISO 1762 for inorganic impurities, ISO 5350/1 and 5350/2 for visible dirt and ISO 624 for extractives (low molecular weight carbohydrates) require a purity level of 1 ppm — 15 000 times lower than the level proposed;
- K. whereas the inclusion of multi-material paper goes against the explicit recommendation in the JRC study, which excluded layered waste paper from the scope of end-of-waste criteria on the grounds of the additional intrinsic environmental risk arising from it should the material be exported, especially outside the EU;
- L. whereas, as is stated in Article 49(2) of Regulation (EC) No 1013/2006, in the case of exports outside the EU the competent authority of dispatch in the Union shall require and endeavour to secure that any waste exported is managed in an environmentally sound manner in the third country of destination, inter alia by being able to demonstrate that the facility which receives the waste will be operated in accordance with human health and environmental protection standards that are broadly equivalent to those established in the EU legislation;

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- M. whereas if used paper, including multi-material waste paper, is granted end-of-waste status before it has even been properly recycled, then such material can be traded freely on global markets and the safeguards of the Waste Shipment Regulation with regard to environmentally sound management will no longer apply; whereas exempting waste streams with a high degree of non-paper materials — which moreover could go well beyond the 1,5 % threshold owing to the discounting of current multi-material paper — from the requirements of the Waste Shipment Regulation clearly risks violating Article 6(1d) of Directive 2008/98/EC, which states that use of the substance shall not lead to overall adverse environmental impacts;
- N. whereas the proposed management system to demonstrate compliance with the criteria referred to in Article 3 of the draft Council Regulation, and in particular the provision that the non-paper materials in consignments of multi-material paper are destined for recovery, is likely to be nearly impossible to implement for a waste that has ceased to be waste and is thus freely traded, possibly changing hands many times, and in any case no longer requires environmentally sound treatment of the material concerned;
- O. whereas stimulating increased global trade in such alleged ‘end-of-waste’ paper by circumventing the environmental and health protection safeguards would not only have an additional negative environmental impact during transport, but could also lead to a decrease in the European paper recycling rate due to reduced availability of waste paper, so that paper manufacturers might have to substitute it at least partially with more virgin fibre-based production in Europe, with higher energy input and related CO₂ emissions, which would again conflict with the criterion of avoiding overall adverse environmental impacts;
- P. whereas the Commission communication on a ‘resource-efficient Europe’ includes a strategy to make the EU a ‘circular economy’, based on a recycling society with the aim of reducing waste generation and using waste as a resource; whereas further improvement of recycling rates in the EU risks being seriously undermined by the proposed ‘end-of-waste’ criteria, and the current proposal would thus not comply with Article 6(1d) of Directive 2008/98/EC;
1. Opposes adoption of the Council regulation on defining criteria determining when recovered paper ceases to be waste pursuant to Article 6(1) of Directive 2008/98/EC on waste;
 2. Considers that the draft Council regulation is not compatible with the aim and content of the basic act;
 3. Considers that the draft Council regulation exceeds the implementing powers conferred on the Commission under the basic act;
 4. Considers that the Commission has not properly assessed the impacts of the draft regulation on paper recycling, on the waste paper value chain, on shipments of waste paper and on the overall effects of the draft regulation on the environment; encourages the Commission to reconsider the draft Regulation and improve the proposed end-of-waste criteria in light of the objections raised in this resolution;
 5. Instructs its President to forward this resolution to the Council, the Commission, and the parliaments and governments of the Member States.
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P7_TA(2013)0545

Gender aspects of the European framework of national Roma inclusion strategies

European Parliament resolution of 10 December 2013 on gender aspects of the European Framework of National Roma Inclusion Strategies (2013/2066(INI))

(2016/C 468/07)

The European Parliament,

- having regard to the Charter of Fundamental Rights, in particular Articles 1, 14, 15, 21, 23, 24, 25, 34 and 35,
- having regard to international human rights law, notably the International Convention on the Elimination of All Forms of Racial Discrimination; the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Convention on the Elimination of All Forms of Discrimination against Women; and the United Nations Convention on the Rights of the Child,
- having regard to European conventions protecting human rights and fundamental freedoms, notably the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); the European Social Charter and the related recommendations of the European Committee of Social Rights; the Framework Convention for the Protection of National Minorities of the Council of Europe; and the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to Articles 2, 3 and 6 of the Treaty on European Union and Articles 8, 9 and 10 of the Treaty of the Functioning of the European Union,
- having regard to the Commission Communication on an EU Framework for National Roma Integration Strategies up to 2020 (COM(2011)0173) and the European Council Conclusions of 24 June 2011,
- having regard to the Commission Communication on National Roma Integration Strategies: a first step in the implementation of the EU Framework (COM(2012)0226),
- having regard to the Proposal for a Council Recommendation on effective Roma integration measures in the Member States (COM(2013)0460),
- having regard to the Commission Communication on steps forward in implementing national Roma integration strategies (COM(2013)0454),
- having regard to Council Directive 2000/43/EC⁽¹⁾ of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
- having regard to Council Directive 2000/78/EC⁽²⁾ of 27 November 2000 Establishing a General Framework for Equal Treatment in Employment and Occupation,
- having regard to the Commission's proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426),
- having regard to its resolution of 1 June 2006 on the situation of Roma women in the EU⁽³⁾,
- having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion⁽⁴⁾,
- having regard to the EU Fundamental Rights Agency (FRA) Analysis of Roma survey results by gender, provided by the FRA following a request made under Rule 126,

⁽¹⁾ OJ L 180, 19.7.2000, p. 22

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ C 298 E, 8.12.2006, p. 283.

⁽⁴⁾ OJ C 199 E, 7.7.2012, p. 112.

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- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A7-0349/2013),
- A. whereas the Strategy for Equality between women and men 2010-2015 requires the Commission to 'support the promotion of gender equality in the implementation of all aspects of the Europe 2020 Strategy' and whereas the Council conclusions on an EU Framework for National Roma Integration Strategies (NRIS) demand 'a gender perspective to be applied in all policies and actions for advancing Roma inclusion';
- B. whereas Roma women often face multiple and intersectional discrimination on the grounds of gender and ethnic origin — which is more intense than that against Roma men or non-Roma women — and have limited access to employment, education, health, social services and decision-making; whereas Roma women are often victims of racism, prejudice and stereotypes that have a negative impact on their real integration;
- C. whereas Roma women are subject to patriarchal and sexist traditions that prevent them from exercising their freedom of choice in fundamental issues of their lives such as education, work, sexual and reproductive health and even marriage; whereas discrimination against Roma women cannot be justified by tradition, but must be addressed while respecting tradition and diversity;
- D. whereas the risk of poverty for Roma women exceeds that of Roma men and whereas Roma families with four or more children are at greatest risk of poverty in the EU;
- E. whereas commonly used indicators tend to neglect problems such as in-work poverty, energy poverty, violence against women and girls, the poverty of large families and single parents, child poverty, and the social exclusion of women;
- F. whereas older Roma women are exposed to a higher risk of poverty due to the majority of them having worked in the informal economy without remuneration or social security affiliation;
- G. whereas the overwhelming majority of Roma adults classified as 'inactive' are women and — partly due to the traditional labour division between women and men and due to racism and sexism existing within European labour markets — the number of active-aged Roma women in paid employment is only about half that of Roma men, with the figures being similar in terms of self-employment;
- H. whereas data from all countries show that Roma women face severe exclusion in the field of employment as well as discrimination in the workplace when looking for employment and when in work; whereas Roma women also remain excluded from the formal economy and are hampered by limited education opportunities, inadequate housing, poor healthcare, traditional gender roles and general marginalisation as well as discrimination from majority communities; whereas the national reports for implementing the EU Framework for NRIS still do not focus adequately on the aspect of gender equality;
- I. whereas it is significantly harder for mothers of large families or single mothers to work further away from their homes and families in disadvantaged rural areas;
- J. whereas the literacy rate and educational performance of Roma women fall significantly short of both that of Roma men and non-Roma women, and whereas the majority of Roma girls are early school leavers and a significant proportion of them has never attended school;
- K. whereas the economic crisis has had a negative impact on the health and wellbeing of Roma women, aggravating their long unacceptable situation, with more than a quarter of all Roma women being limited in their daily activities by health problems;

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- L. whereas the lack of respect for comprehensive sexual and reproductive rights, including access to contraception, is an obstacle to Roma women's empowerment and gender equality and leads to unplanned pregnancies, including teenage pregnancies, which disrupts the education and job opportunities of girls; whereas early motherhood is largely a consequence of the lack of appropriate access to social services and inadequate health structures which have not addressed the needs of Roma women;
- M. whereas due to their low socio-economic status and the discrimination they perceive in health care, Roma women are unaware of most of their rights and resort to medical services much less than the majority of the population;
- N. whereas Roma women and girls are disproportionately affected by several diseases — including HIV/AIDS — but prevention programmes for them are commonly under-prioritised and under-financed, and the accessibility of screenings remains low;
- O. whereas extreme poverty, gender inequality and internal discrimination expose Roma women to a higher risk of trafficking, prostitution, domestic violence and exploitation, while facing additional obstacles in accessing protection;
- P. whereas a large number of Roma women have been victims of domestic violence at the hands of their husbands, in-laws and other family members; whereas the great majority of violence and human rights abuses against Roma women goes unreported due to the fact that violence against women is still accepted in patriarchal societies as a legal exercise of power but also due to the fact that perpetrators of violence against women are rarely held accountable for their acts, which discourages women from seeking legal help;
- Q. whereas acts of violence against Roma women are frequently committed by authorities in all EU Member States in the form of deep discrimination and clear breaches of the European Convention on Human Rights which can take different forms, such as collecting and storing data in registries on Roma people and children solely on the basis of ethnic background, or the eviction of hundreds of people without offering any adequate alternative housing or support, which are shameful and callous acts that completely ignore Member States' international human rights obligations;
- R. whereas all EU Institutions and Member States bear a responsibility to eradicate violence against women and girls and, likewise, to end impunity, bringing perpetrators of hate crime, hate speech, discrimination and violence against Roma women and girls to justice;
- S. whereas Council Directive 2000/43/EC prohibits discrimination on grounds of race and ethnic origin; whereas about 30 infringement proceedings have been opened by the Commission against Member States for not adequately transposing the Race Equality Directive into national legislation;
1. Stresses that NRIS must focus on empowering Roma women to take control of their own lives by becoming visible agents of change within their communities and by raising their voices to influence policies and programmes affecting them, as well as on reinforcing Roma women's socio-economic resilience, i.e. their ability to adapt to the rapidly changing economic environment, through effectuating savings and preventing the running-down of assets;
2. Welcomes the Commission's 2012 progress report ⁽¹⁾ and the proposal for a Council recommendation of 26 June 2013 on effective Roma integration measures in the Member States ⁽²⁾, with a special focus on access to employment, housing, education, and healthcare, which calls on Member States to introduce positive actions and to mainstream Roma integration strategies in their fight against poverty and social exclusion;

⁽¹⁾ COM(2012)0226.

⁽²⁾ COM(2013)0460.

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3. Calls on those Member States which have received, in addition, country-specific recommendations under the European Semester on Roma-related issues, to implement these recommendations swiftly and to fight discrimination, including at the workplace, to involve civil society — including Roma organisations — in decision-making, and to allocate not only EU but also national and other funds in order to deliver on the commitments of their national Roma integration strategies (NRIS);
4. Regrets that despite the adoption of its resolution on the situation of Roma women in 2006 and the 10 Common Basic Principles on Roma Inclusion by the Council, in which one of the principles relates to gender awareness, the vulnerable situation of Roma and Traveller women has, in practice, remained unaddressed by European and national policy makers;
5. Stresses that the efficiency of the EU Framework for NRIS could be significantly increased by enhanced involvement of the Commission, based on its potential to improve the quality of regulations and other instruments, encourage greater policy coherence and promote the overarching goals of the Framework;
6. Calls on Member States to develop National Action Plans in the four key priority areas: health, housing, employment, and education, with specific goals and targets, funding, indicators and timeframes; evaluate progress by measuring implementation outcomes;
7. Calls on Member State governments and local authorities to involve Roma women, through women's organisations, Roma NGOs and relevant stakeholders, in the preparation, implementation, evaluation and monitoring of the NRIS and to create links between gender equality bodies, women's rights organisations and social inclusion strategies; further calls on the Commission to address gender equality in a consistent manner when implementing the EU 2020 Strategy and national reform programmes;
8. Calls on the Commission to present a 'flowchart' of the EU Roma inclusion process, covering achievements, objectives, the specific measures used to attain these objectives, the state of play as regards implementation measures and the next steps;
9. Calls on the Member States to combat the spatial segregation, forced evictions and homelessness faced by Roma men and women, and to set up effective and transparent housing policies;
10. Calls on the Commission and Member States to ensure that the fundamental rights of Roma women and children are respected, and that — also by means of awareness-raising campaigns — Roma women and girls are aware of their rights under existing national legislation on gender equality and discrimination, and to further combat patriarchal and sexist traditions;
11. Calls on the Commission to specify the institutional division of tasks and responsibilities among involved organisations, forums and bodies, and to clearly define the role of these stakeholders — such as the EC Roma Task Force, the Network of National Contact Points, the European Roma Platform, the EU Agency for Fundamental Rights and its ad-hoc working group on Roma inclusion — in the supervision, control and coordination of the EU Framework for NRIS;
12. Calls on the Commission to support NRIS by seeking common, comparable and reliable indicators and by developing a Dashboard of EU Roma inclusion indicators in order to present clear and unambiguous data against which progress can be measured as well as to meet the requirement of effective monitoring;
13. Calls on Member States to ensure that austerity measures do not impact disproportionately on Roma and Traveller women and that budget decisions are underpinned by human rights principles;
14. Calls on the Commission to urge Member States to present outcome indicators, baselines and numerical headline targets in their national strategies for the main priority areas, against which progress can be measured;
15. Calls on the Commission and Member States to ensure that disaggregated data for gender and ethnicity are collected by all administrations and used to inform policy development; points out that collection of data must be carried out in line with the relevant human rights principles;

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16. Calls on Member States to match their national policy commitments by allocating proper financial resources for the implementation of NRIS, and to reflect their inclusion strategies in the national budgetary policies;
17. Calls on the Commission and Member States to establish a proper framework for consultation, peer learning and the sharing of experience among policy-makers and Roma organisations and to launch structured dialogue to include Roma organisations and NGOs in the planning, implementation, monitoring and evaluation of European, national and local Roma inclusion strategies;
18. Calls on Member States to ensure equality in civil rights and equal access to healthcare services, education, employment and accommodation while respecting human rights, the principle of non-discrimination and being compatible with nomadism where relevant;
19. Calls on the Commission and Member States to include the Integrated Territorial Investment and Community-led Local Development instruments in their partnership contracts, to mobilise them for underdeveloped micro-regions and deprived territories, and to include Community-led Local Development in the set of operational programmes to be developed;
20. Calls on the Commission and Member States to ensure the adoption and implementation of specific and comprehensive anti-discrimination legislation in line with international and European standards in all Member States, ensuring that anti-discrimination bodies are equipped to promote equal treatment and have complaint mechanisms which are accessible to Roma women and girls;
21. Calls on Member States to place greater emphasis on the territorial aspects of social inclusion in their national strategies, and to target the most deprived micro-regions by means of complex, integrated development programmes;
22. Calls on Member States to also focus on the urban dimension of cohesion policy, giving special consideration to cities that are disproportionately affected by social imbalances such as unemployment, social exclusion and polarisation and assist them in developing their infrastructure in order to exploit their potential contribution to economic growth and strengthen the links between urban and rural areas with a view to promoting inclusive development;
23. Calls on Member States to strengthen gender mainstreaming when implementing their NRIS, by applying a gender equality perspective to all policies and practices affecting Roma women and to link their implementation to existing gender equality strategies, in particular by eliminating the gender pay and pension gaps within Roma communities and by making the eradication of violence against women and girls explicit objectives and taking real action to this end;
24. Calls on the Council, the Commission and Member States to ensure that specific measures relating to women's rights and gender mainstreaming are included in the NRIS, that they take account of the gender perspective and the situation of multiple and intersectional discrimination faced by Roma women, especially as regards employment, health, housing and education, and that the assessment and annual monitoring conducted by the Commission and, in particular, the Fundamental Rights Agency, take account of women's rights and the gender equality perspective in each section of the NRIS; requests that these findings be presented to the European Parliament;
25. Calls on the Commission and on Member States to ensure that the NRIS reflect Roma women's specific rights and needs and to develop concrete indicators for their implementation, follow-up and monitoring based on, for example, the United Nations Development Programme's Gender-related Development Index (GDI) which looks at aspects such as long and healthy life, knowledge and decent standard of living and the Gender Empowerment Measure (GEM) which includes political participation and decision-making, economic participation and decision-making and power over economic resources; calls on the Commission and on Member States to use gender budgeting as one of the tools to mainstream gender;
26. Calls on Member States to develop a national monitoring and evaluation framework for the NRIS that covers aspects such as budget monitoring and other forms of civil society monitoring (carried out by national NGOs, NGO networks or umbrella organisations), expert assessment (carried out by independent experts with proven expertise in the field), and administrative monitoring;

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27. Calls on the Commission and Member States to conduct gender impact assessments when designing the specific measures of their NRIS;
28. Calls on the Commission to introduce more effective instruments for measuring the actual socio-economic situation of Roma women, by incorporating the quantification of the 'economics of life' and recognition of the informal economy into its 'beyond GDP' project, for example; calls on the Commission, furthermore, to develop and monitor gender-specific indicators for the NRIS and social inclusion policies;
29. Invites NGOs operating in the field in Member States to draw up personalised action plans which aim to help women and young people to find employment, to provide psychological counselling to encourage Roma people to participate in education and vocational training and to identify their personal skills and abilities to improve social inclusion in the labour market; to mediate between providers of training/retraining and employers on the one hand, and Roma women/Roma population on the other hand; to boost education uptake by Roma women and girls by granting subsidies and scholarships, while respecting the principle of equal opportunities, taking account of the fact that girls marry at a younger age than boys;
30. Calls on Member States to use their measures to explicitly target Roma women in extreme socio-economic deprivation and to focus simultaneously on at-risk groups by preventing and tackling impoverishment;
31. Calls on Member States to increase the number and visibility of Roma and Traveller programmes and beneficiaries, including specific support to Traveller and Roma organisations working to promote women's empowerment and NGO access to structural funds;
32. Calls on the Commission and on the Member States to develop financial mechanisms for supporting civil society and community monitoring of social inclusion policy, initiatives and projects regarding Roma and Traveller women;
33. Calls on the Commission and Member States to introduce a child poverty reduction target into the EU Roma inclusion process, to mainstream children's rights in social inclusion measures, to monitor progress from the perspective of child poverty, and to identify and develop priority actions in the field;
34. Underlines that preventing marginalisation must begin in infancy; considers it essential to adopt an approach which targets different generations of women in order to put an end to the intergenerational transmission of poverty;
35. Calls on Member States to include in their NRIS tailored programmes the active inclusion of Roma women in the labour market by guaranteeing access to high quality education programmes for Roma women and girls and by making life-long learning available so that marketable skills can be acquired; calls on Member States to include capacity building and the empowerment of Roma women as a horizontal objective in all priority areas of the NRIS and to promote political participation policy by supporting the active participation of Roma women at local, national, and European level;
36. Calls on Member States to establish positive action measures to facilitate access to jobs in public administration for Roma women and men;
37. Calls on Member States to develop specific measures targeting large families (with four or more children) and single parent households that facilitate entry to the labour market by considering tailored welfare arrangements, extending childcare facilities and ensuring that Roma children are integrated into local schools and childcare facilities and have full and equal access to compulsory education, thereby counteracting social exclusion and ghettoisation;
38. Calls on Member States to ensure equal access to quality and affordable childcare and early childhood education, childhood development services and parent partnership education for Roma children, to reintroduce the Barcelona targets for childcare and to develop accessible, affordable and high quality care services for the whole life cycle;
39. Calls on Member States to take all necessary measures to prevent the dismissal of employees during pregnancy or motherhood, and to consider recognising the raising of children as a period counting towards pension entitlements;

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40. Calls on Member States to examine the obstacles to self-employment faced by Roma women, to enable accessible, fast and inexpensive registration by Roma women entrepreneurs and to develop micro-loan schemes targeting small business start-ups and entrepreneurs with simple, entrepreneur-friendly administrative procedures, including technical assistance and back-up measures and special licences for recognising a range of seasonal and temporary jobs as 'paid work' which contributes to social security payments; further calls on Member States and local authorities to mobilise the European microfinance facility for employment and social inclusion;
41. Calls on Member States to develop targeted and integration-oriented measures in the field of unemployment support, (retraining, job creation and placement with wage support, social security support, tax allowances, etc.) instead of the current, almost exclusive focus on public work programmes;
42. Calls for support and promotion of the integration of the Roma population into the labour market; observes that, in order to differentiate labour administration services and measures and to develop guidance processes, support staff and case managers with a Roma background are needed;
43. Calls on the Commission and the Member States to create a specific education mentoring and support system through community-based education and social services from early childhood to university for Roma youth, paying particular attention to gender issues;
44. Calls on the Member States to make full use of the opportunities offered by the Structural Funds, in particular the European Social Fund (ESF), to improve both the education and the employment prospects for the Roma to give them a real chance of social inclusion and escape persistently high rates of poverty; urges the Member States to monitor progress on a regular basis, in particular with respect to the education and training of young Roma, especially women;
45. Invites Member States to combat stereotypes, in order to prevent the anathematisation of this ethnic group which discourages employers from employing Roma people and which leads to discrimination within public administration and schools and has a negative impact on relations with the authorities and job seeking;
46. Reiterates the fact that Roma education gaps have an important gender dimension, since the literacy rate of Roma women averages 68 %, compared to 81 % for Roma men, and the primary school enrolment rate among Roma girls is just 64 %, a gap which is also seen in enrolment rates for vocational qualifications; observes, however, that there are major differences between Member States in these statistics;
47. Calls on the Member States to develop specific programmes to ensure that Roma girls and young women stay in primary, secondary, and higher education, and also to put in place special measures for teenage mothers and early school leaver girls, to support uninterrupted education in particular, subsidising their entry onto the labour market, and providing work-based training; further calls on Member States and the Commission to take these measures into account when coordinating and evaluating the NRIS;
48. Calls on the Member States to develop anti-discrimination strategies in order to prevent and condemn racist behaviour in public services and within the labour market in particular, ensuring that Roma women and men's rights in the labour market are firmly upheld;
49. Calls on the Commission and on the Member States to invest resources into attracting 'non-traditional learners' to continue their education and to support NGOs and programmes whose goal is to boost the inclusion of non-traditional learners in education and adult learning programmes;
50. Calls on Member States to promote networks of Roma students, to encourage solidarity between them, to increase the visibility of successful cases and to overcome the isolation of Roma students;
51. Calls on Member States to encourage the participation of Roma families in schools, to assess the schools in which Roma children and young people study, and to make all necessary changes to ensure the educational integration and achievement of all; points out that specific measures should target Roma girls, based on successful cases which have been validated by the academic community;

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52. Requests the Commission and Member States to allocate funds for building schools, kindergartens and nurseries with more places so that the Roma children can participate in classes with other, non-Roma, children without being discriminated against and left outside the education system or rejected by teachers on account of their ethnic origin;

53. Calls on the Commission and Member States to introduce systematic training programmes on gender sensitivity and cultural specificities for social services and healthcare providers;

54. Emphasises that the education of Roma girls helps to improve the lives of Roma people in many ways as it is, among other things, a crucial condition for increasing the employability of Roma women, facilitating their access to the labour market and providing some income security, as well as being essential to overcome poverty and social exclusion; observes, furthermore, that increasing teachers' knowledge of Roma culture helps to reduce exclusion; calls, therefore, on the Member States to combat segregation, to ensure more inclusive and accessible education and culturally sensitive teaching methods involving school assistants with a Roma background and parents, while viewing the improvement of professional skills to match the demands of the labour market as a priority;

55. Calls on the Commission and Member States to identify Roma women as an explicit target group of their health initiatives, especially with respect to diseases that are strongly linked to the female hormonal system and/or poverty, such as osteoporosis, musculoskeletal problems and central nervous system illnesses; urges, furthermore, to make breast and cervical cancer screening and prevention — including vaccines against human papillomaviruses — fully accessible and to aim at initiating healthcare for pregnant women already in their first trimester of pregnancy;

56. Calls on Member States to ensure access to health, notably through the participation of Roma women's NGOs in the design, implementation, and evaluation of healthcare programmes and to ensure that Roma women and girls can make their own choices about their sexuality, health, and maternity by promoting family planning, access to the full range of sexual and reproductive health care services and sexual education, and protecting children and adolescents from sexual abuse and early marriages, preventing infant and maternal mortality and the phenomenon of forced sterilisation;

57. Calls on Member States to facilitate and promote the gender balanced participation of Roma communities in the design, implementation, monitoring and evaluation of disease prevention, treatment, care and support programming, as well as in reducing stigmatisation and discrimination in the healthcare system;

58. Calls on Member States and local and regional authorities to develop and implement policies to guarantee that all Roma women, even those from the most excluded communities, have access to primary, emergency and preventive healthcare services and to organise training activities for healthcare workers in an effort to eliminate prejudice against Roma;

59. Calls on Member States to investigate, ban and prosecute direct and indirect discrimination against Roma women in exercising their fundamental rights and in accessing public services, and to prevent any further discrimination; stresses the importance of conducting awareness-raising campaigns to combat discrimination and eliminate racist stereotypes of Roma, and Roma women in particular;

60. Calls on the Commission and the Member States to include Roma and particularly Roma women as a specific target group in the operational programmes and the rural areas development programmes for the next programming period;

61. Calls on the Commission to publish an evaluation report on the implementation of Council Directive 2000/43/EC in each Member State; likewise calls on the Commission to draw up specific recommendations for each Member State in order to include also the gender dimension within the directive;

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62. Calls upon the Council to reach an agreement on the Equal Treatment Directive on implementing the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation, so as to ensure that all the grounds of discrimination and multiple discrimination are made illegal in all spheres of life; likewise calls on all EU institutions to ensure that intersectional discrimination is included in this directive;
63. Calls on Member States to address all forms of violence against women, such as domestic violence, sexual exploitation and human trafficking, with special regard to Roma women, and to support victims by including specific objectives to tackle the trafficking of Roma women in the NRIS, ensuring proper resources for related public services and providing assistance also through mainstream services, such as health, employment and education; furthermore urges the Commission to support governmental and civil society initiatives to address these problems, while guaranteeing the fundamental rights of victims;
64. Calls on Member States to work with Roma women to set up empowerment strategies that recognise their intersectional identity and promote activities that counteract gender stereotypes, targeting women, men, girls and boys;
65. Points out that arranged marriage, child marriage and forced marriage are still prevalent as 'traditional practices', underlines that these practices are human rights violations which not only have a significant impact on the health of Roma girls, increasing the risk of complications during pregnancy and delivery, but which also expose girls to sexual abuse and exploitation, as well as precluding educational and employment opportunities;
66. Calls on Member States to ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings and to fully transpose the provisions of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims⁽¹⁾, in particular by strengthening identification, protection and assistance to victims, with special emphasis on children;
67. Requests European solutions from the Member States and the Commission for Roma people's problems, taking into consideration their right of free movement as European citizens, and the need for collaboration between Member States to resolve the issues faced by this ethnic group;
68. Calls on the Commission and Member States to encourage the exchange of information and best practices on the integration of Roma women in all areas of society;
69. Recommends that the Member States take the necessary steps to stop the practice of young Roma women being given away in arranged marriages, which constitute a moral affront to their dignity;
70. Calls on Member States to urgently address the needs of older Roma women as they are one of the most vulnerable groups and lack adequate income and require access to healthcare and long-term care as they age;
71. Urges the Commission to launch a comprehensive strategy to combat violence against women as requested by Parliament in several resolutions; calls upon the Commission to deliver legal instruments, including a European directive to combat gender-based violence;
72. Calls for the Roma language and culture to be developed and promoted, for administrative structures concerned with Roma affairs to be developed, for Roma policy and its implementation to be reinforced, and for participation in international cooperation on Roma issues to be increased;
73. 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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⁽¹⁾ OJ L 101, 15.4.2011, p. 1.

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P7_TA(2013)0546

Development of ‘state building’ in South Sudan**European Parliament resolution of 10 December 2013 on the efforts of the international community in the area of development and of ‘state building’ in South Sudan (2013/2090(INI))**

(2016/C 468/08)

The European Parliament,

- having regard to its resolution of 13 June 2012 on the situation in Sudan and South Sudan ⁽¹⁾,
- having regard to its resolution of 5 July 2011 on the future of EU budget support to developing countries ⁽²⁾,
- having regard to its resolution of 25 October 2011 on the 4th High Level Forum on Aid Effectiveness ⁽³⁾,
- having regard to its resolution of 18 December 2008 on development perspectives for peace-building and nation building in post-conflict situations ⁽⁴⁾,
- having regard to the fact-finding mission of its Committee on Development to South Sudan in July 2011,
- having regard to the final report of the European Union Election Observation Mission on the Southern Sudan Referendum 9-15 January 2011 ⁽⁵⁾,
- having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States (ACP), and the European Union and its Member States, signed in Cotonou on 23 June 2000 ⁽⁶⁾, first amended in Luxembourg on 25 June 2005 ⁽⁷⁾ and again amended in Ouagadougou on 22 June 2010 ⁽⁸⁾,
- having regard to the declaration by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly on the situation in Sudan and South Sudan, issued in Horsens (Denmark) in May 2012 ⁽⁹⁾,
- having regard to the declaration by the EU and its Member States on the Republic of South Sudan’s independence of 9 July 2011 ⁽¹⁰⁾,
- having regard to the Council conclusions of 22 July 2013 on Sudan and South Sudan ⁽¹¹⁾,
- having regard to the statement of 5 July 2012 by Commissioner Georgieva on Sudan and South Sudan ⁽¹²⁾,
- having regard to the Directorate-General for Humanitarian Aid’s humanitarian implementation plan (HIP) for Sudan and South Sudan for 2013 and the modification thereof ⁽¹³⁾,

⁽¹⁾ OJ C 332 E, 15.11.2013, p. 49.

⁽²⁾ OJ C 33 E, 5.2.2013, p. 38.

⁽³⁾ OJ C 131 E, 8.5.2013, p. 80.

⁽⁴⁾ OJ C 45 E, 23.2.2010, p. 74.

⁽⁵⁾ http://eeas.europa.eu/eueom/pdf/missions/final-report-eueom-referendum-south-sudan-2011_en.pdf.

⁽⁶⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁷⁾ OJ L 209, 11.8.2005, p. 27.

⁽⁸⁾ OJ L 287, 4.11.2010, p. 3.

⁽⁹⁾ http://www.europarl.europa.eu/intcoop/acp/2012_horsens/pdf/soudan_en.pdf

⁽¹⁰⁾ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/123591.pdf.

⁽¹¹⁾ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/138254.pdf.

⁽¹²⁾ http://europa.eu/rapid/press-release_MEMO-12-524_en.htm.

⁽¹³⁾ http://ec.europa.eu/echo/files/funding/decisions/2013/HIPs/Sudan-SouthSudan_en.pdf.

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- having regard to the statements by the Spokesperson for High Representative Catherine Ashton of 18 June 2013 on the deadly attack on a United Nations Interim Security Force for Abyei (UNISFA) peacekeeper in Southern Kordofan ⁽¹⁾; of 1 May 2013 on the conflict in Sudan's Southern Kordofan and Blue Nile states ⁽²⁾; and of 8 January 2013 on the recent closure of civil society organisations in Sudan ⁽³⁾,
- having regard to the statement issued locally by the EU Delegation on 25 July 2013, following the dismissal by the President of the entire Government of the Republic of South Sudan ⁽⁴⁾,
- having regard to the Dili Declaration: A new vision for peace-building and state-building of 10 April 2010 ⁽⁵⁾,
- having regard to the Deal for Engagement in Fragile States presented at the Fourth High Level Forum on Aid Effectiveness in Busan in December 2011 ⁽⁶⁾,
- having regard to the OECD's 2011 Report on International Engagement in Fragile States — Republic of South Sudan ⁽⁷⁾,
- having regard to the World Development Report 2011: Conflict, Security, and Development ⁽⁸⁾,
- having regard to the Report of the African Union High-Level Implementation Panel on Sudan and South Sudan (AUHP) published on 31 July 2013 ⁽⁹⁾,
- having regard to the statement of 8 March 2013 by the Spokesperson for the UN Secretary-General on the establishment of the Safe Demilitarized Border Zone between Sudan and South Sudan and the activation of the Joint Border Verification and Monitoring Mechanism ⁽¹⁰⁾,
- having regard to the resolution adopted by the UN Human Rights Council on technical assistance and capacity-building for South Sudan in the field of human rights' on 27 June 2013 (A/HRC/21/L.7/Rev.1),
- having regard to the Framework Agreement on the Political and Security Arrangements in the Blue Nile and Kordofan States signed on 28 June 2011 ⁽¹¹⁾,
- having regard to the conclusions of reports of the High Commissioner for Human Rights presented to the Human Rights Council at its 21st and 23rd sessions ⁽¹²⁾,
- having regard to the agreements concluded in Addis Ababa between the Republic of the Sudan and the Republic of South Sudan on 27 September 2012 ⁽¹³⁾,
- having regard to Amnesty International's 2013 report on the human rights situation in South Sudan ⁽¹⁴⁾,
- having regard to the Human Rights Watch report 'This old man can feed us, you will marry him' ⁽¹⁵⁾,

⁽¹⁾ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137507.pdf.

⁽²⁾ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/136969.pdf.

⁽³⁾ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/134590.pdf.

⁽⁴⁾ http://eeas.europa.eu/statements/local/local_statement_south_sudan_24072013_en.pdf.

⁽⁵⁾ http://timor-leste.gov.tl/wpcontent/uploads/2010/04/Dili_Declaration_FINAL_12.04.20101.pdf.

⁽⁶⁾ <http://www.oecd.org/dac/effectiveness/Final%20file.pdf>, page 39.

⁽⁷⁾ <http://www.oecd.org/countries/southsudan/48697972.pdf>.

⁽⁸⁾ http://wdronline.worldbank.org/worldbank/a/c.html/world_development_report_2011/abstract/WB.978-0-8213-8439-8.abstract.

⁽⁹⁾ <http://appablog.wordpress.com/2013/07/31/report-of-the-african-union-high-level-implementation-panel-for-sudan-and-south-sudan/>.

⁽¹⁰⁾ <http://www.un.org/sg/statements/index.asp?nid=6644>.

⁽¹¹⁾ http://www.sudantribune.com/IMG/pdf/Two_Areas_Agreement.pdf.

⁽¹²⁾ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-34_en.pdf.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC.21.62_en.pdf http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-31_en.pdf.

⁽¹³⁾ <http://www.rssnegotiationteam.org/historic-september-27-peace-agreements.html>.

⁽¹⁴⁾ <http://www.amnesty.org/en/region/south-sudan/report-2013>.

⁽¹⁵⁾ <http://www.hrw.org/reports/2013/03/07/old-man-can-feed-us-you-will-marry-him-0>.

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- having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs and the Committee on Women's Rights and Gender Equality (A7-0380/2013),
- A. whereas UN Security Council Resolution 1996 (2011) welcomed the establishment of the Republic of South Sudan on 9 July 2011 and whereas the United Nations General Assembly voted on 14 July 2011 to admit South Sudan as a member state (A/RES/65/308);
- B. whereas the belt of insecurity, under-development and poor governance across the Sahel to the Horn of Africa can only be addressed through a comprehensive approach;
- C. whereas the newly created South Sudan is also one of the poorest countries in the world, with 50 % of the population living below the poverty line; whereas, having emerged from a war and being situated in an unstable region, it is in danger of failing if the international community and local actors fail to cooperate in developing a joint strategy to turn it into a democratic and inclusive state;
- D. whereas certain measures have been taken in the context of the Security Sector Reform (SSR), such as the establishment of the South Sudanese National Police Service (SSNPS), the National Security and Disarmament Council (NSDC) and the Demobilisation and Reintegration Council (DRC);
- E. whereas the prosperity and the viability of the new state of South Sudan depends to a large extent on constructive and peaceful relations with all neighbouring countries, in particular the Republic of the Sudan, and on the capability of these two countries to resolve their differences and to agree on and implement viable solutions, in particular regarding border conflicts, oil revenue, the final status of Abyei, national debt and citizenship;
- F. whereas state-building and overcoming fragility require a long-term perspective and solid, predictable and stable engagement by the international community;
- G. whereas, while the new country faces a great number of serious challenges, South Sudan has made considerable progress in relation to the key development indicators since the Comprehensive Peace Agreement of 2005 was enacted, including a six-fold increase in primary school enrolment, a 25 % decrease in infant mortality and the establishment of key state institutions at federal and state level;
- H. whereas children are the primary victims of the insecurity and conflict affecting South Sudan; whereas sexual violence is being perpetrated against children and women, and children are being recruited by armed groups;
- I. whereas the scope of democratic reconstruction is broadened when more women are involved in conflict resolution processes and political decision-making;
- J. whereas South Sudan is highly reliant on oil production, which accounts for approximately 88 % of national revenue, and is currently entirely dependent on the Republic of Sudan for its export; whereas this overreliance puts the country's economy at risk, but is also used to exert pressure on the new country, and is causing further tensions and even conflict, particularly with Sudan and between ethnic groups, as has been the case over the past two years; whereas South Sudan has concluded agreements with neighbouring Kenya, Ethiopia and Djibouti to explore the possibility of two new pipelines linking its oil fields to the Gulf of Aden and the Indian Ocean;
- K. whereas the suspension of oil production by the South Sudanese Government for over a year and the closure of the oil pipes in Sudan have deprived the country of one of its principal sources of income and plunged it into a major financial crisis leading to continued harsher austerity;
- L. whereas the 2013 Resource Governance Index, while acknowledging an 'ambitious legal framework designed to promote transparent governance of the oil sector', ranks South Sudan 50th out of 58 countries owing to its authorities having failed to release information about the sector and to establish proper monitoring and auditing mechanisms;

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- M. whereas the international community has given important political and material support to South Sudan's independence and viability, as well as its economic and social development and whereas the EU has played a very positive role in this connection; whereas the EU and its Member States pledged, on the occasion of South Sudan's independence, to develop a close and long-term partnership with the Republic of South Sudan and its people;
- N. whereas on 23 May 2011, the Council approved a financial package of EUR 200 million for South Sudan to provide the funding for the EU's contribution to the Joint Country Strategy Paper (Response Strategy) for South Sudan 2011-2013;
- O. whereas the international community and international humanitarian organisations have been very responsive to the need to relieve the suffering of people in the region, even though they are barred from certain areas by rebel groups and by the Sudanese Government, and whereas the EU has provided and continues to provide substantial levels of humanitarian aid, including EUR 110 million in 2012 alone;
- P. whereas the prospects for longer-term development and state-building in South Sudan are inextricably linked with regional interdependence in the Horn of Africa, not least in terms of addressing security concerns with neighbouring Sudan (including in the Darfur, Kurdofan and Blue Nile regions) and investing in economic integration with other regional partners;
- Q. whereas South Sudan is one of the very first countries in which joint programming between the European External Action Service (EEAS) and the Commission and EU Member States, aligned with the South Sudan Development Plan, has been put into practice in the form of a Single EU Country Strategy Paper, agreed on in December 2011, comprising a total of EUR 830 million in development aid;
- R. whereas South Sudan has not yet acceded to the Cotonou Agreement, with the Government of South Sudan voicing concerns about potential implications for its relations with the Republic of the Sudan; whereas accession to the Cotonou Agreement would not oblige South Sudan to accede immediately to the Rome Statute; whereas this reluctance to accede to the Cotonou Agreement is leading to problems in programming EU aid from 2014 onwards under the 11th European Development Fund, which could potentially result in South Sudan losing out, not only in terms of national allocations, but also with a view to regional funds and substantial European Investment Bank (EIB) resources which would enhance its infrastructure and regional economic integration; whereas by ratifying the Cotonou Agreement, South Sudan could also increase its capacity to attract European private sector investments; whereas the additional financial facilities to which South Sudan could have access following accession to the Cotonou Agreement could equally help with the implementation of the Addis Ababa Agreement;
- S. whereas the Council appointed Ms Rosalind Marsden as the European Union Special Representative (EUSR) for Sudan in August 2010 and subsequently enlarged and extended her mandate, but in June 2013 only agreed to a four-month extension until 31 October 2013 in order to integrate it into the mandate of the EUSR for the Horn of Africa, despite her outstanding work and her important role in leveraging the EU's various tools and influence on the developments in the region; whereas without a designated EU Special Representative for Sudan/South Sudan, the EU will be sidelined in international negotiations and efforts;
- T. whereas the European Union has provided support for the African Union High-Level Panel, which includes the former South African President Thabo Mbeki as chair, and for the UN missions, namely the United Nations Mission in Sudan (UNMIS), the United Nations Mission in the Republic of South Sudan (UNMISS), the United Nations-African Union Mission in Darfur (UNAMID) and the United Nations Interim Security Force for Abyei (UNISFA);
- U. whereas a 'New Deal for Engagement in Fragile States' was formulated by the G7+ group of states (including South Sudan) and the International Dialogue on Peace Building and State Building (IDPS) and then endorsed by the EU, along with 36 countries, at the Fourth High Level Forum on Aid Effectiveness in Busan in December 2011;

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- V. whereas an Economic Partners Forum was held in Washington in April 2013 at which a 'new deal compact' was announced, setting out framework provisions regarding further international development aid commitments for South Sudan;
- W. whereas external efforts made with regard to state-building and development can only be successful if the leadership of South Sudan is committed to and will be capable of developing accountable, responsive, and inclusive governance, and overcomes short-term or clientelistic interests; whereas South Sudan is not yet included in most governance indicators and there is still very little quantitative data available on the extent of corruption in the country; whereas the international community, both private and public, does not tolerate corruption and therefore needs to ensure that the provision of aid or investment does not lead to or encourage harmful practices;
- X. whereas a social security net is lacking and access to services such as health care, electricity and water remains extremely limited; whereas, according to some estimates, only one third of the population has access to clean water and whereas water access issues have exacerbated communal conflicts;
- Y. whereas South Sudanese women and girls face the highest maternal mortality rate in the world and one in seven women in South Sudan will die during or just after childbirth⁽¹⁾; whereas the main causes of maternal mortality are infection and/or haemorrhaging, and South Sudan faces a serious lack of basic medical equipment and qualified nurses and midwives;
- Z. whereas it is estimated that 48 % of girls aged between 15-19 years are forced into marriage in South Sudan and whereas 12-year-old girls have reportedly been forced into marriage, thereby directly affecting the enrolment of girls at school, with girls representing only 39 % of pupils at primary school and 30 % at secondary school;
- AA. whereas the belief that females are the property of their father or husband is entrenched in the dowry system that exists in South Sudan;
- AB. whereas domestic violence is considered an entrenched social norm throughout South Sudan and whereas 82 % of women and 81 % of men believe that a woman should tolerate domestic violence and keep the problem within the family⁽²⁾;
- AC. whereas the illiteracy rate is estimated at over 80 % (the highest rate of female illiteracy in the world), with girls accounting for only 25 % of school pupils, representing the lowest rate of female access to education in the world; whereas there is a shortage of teachers;
- AD. whereas there is a shortage of teachers and a serious need for people with vocational qualifications, as well as a need for education and training colleges to produce a skilled workforce;
- AE. whereas the vast expanse of arable land in South Sudan means that agriculture not only has great potential in terms of lucrative commercial and local job creation prospects in the country, but it could also help alleviate food shortages in South Sudan itself and, in the longer term, meet the needs of neighbouring countries;
- AF. whereas women are key to reducing food and nutrition insecurity, and can help boost agricultural productivity;
- AG. whereas South Sudan has practically no permanent road, rail or inland waterway transport infrastructures; whereas it is necessary to develop these infrastructures to boost the country's economic growth, as well as trade, market access and job creation;

⁽¹⁾ Humanitarian news and analysis, Report on 'Women's Security in South Sudan' 2012.

⁽²⁾ Conflict and Health, March 2013.

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- AH. whereas the number of landmines and undetonated ordnance still buried in South Sudan since the civil war is estimated to be in the millions;
- AI. whereas internal security remains one of the critical challenges for South Sudan, with several low intensity conflicts giving rise to a serious humanitarian situation; whereas abuses by South-Sudanese security forces, including extra-judicial killings, rape and torture during civilian disarmament campaigns, have been reported repeatedly; whereas the post-2005 efforts in the field of demobilisation, disarmament, and reintegration have stalled and whereas an acceptable retirement scheme for veterans is lacking;
- AJ. whereas the population faces major risks in terms of food insecurity, affecting 4,1 million South Sudanese in 2013; whereas access to health services is very limited, there is a shortage of medical personnel and supplies, and there is evident humanitarian need among the people displaced by conflict; whereas the rate of mortality of under-fives is very high and the maternal mortality rate is the highest in the world;
- AK. whereas in 2013 South Sudan dropped 12 places in the Reporters Without Borders World Press Freedom Index to 124th out of 180 countries ranked;
- AL. whereas viable long-term stability in the Horn of Africa can only be built on strong institutions, a proper role and place for civil society, the rule of law and respect for human rights, in particular freedom of expression, as well as strong economic prospects for society in general; whereas the separation of Sudan and South Sudan has reportedly led to religious conflict; whereas a number of refugees have fled from Sudan to the largely Christian South Sudan; whereas the estimated number of refugees moving from Sudan to South Sudan in June 2013 was 263 000 ⁽¹⁾;
- AM. whereas journalists have frequently been threatened, arrested and detained without charge; whereas security forces have been reported to harass and illegally detain journalists; whereas the South Sudanese authorities have failed to carry out prompt, effective and impartial investigations into attacks on journalists, or cases such as the killing of the government critic and journalist Isaiah Abraham;
- AN. whereas weaknesses in the justice system give rise to serious human rights violations; whereas there is a clear need for specialised training in the field of human rights for the legal profession; whereas in order to address impunity, it is necessary to increase knowledge of core human rights instruments, which will contribute to their application; whereas there is an almost total lack of legal aid in the criminal justice system;
- AO. whereas South Sudan's official language is English but it is not generally spoken, and most of the South Sudanese population is illiterate; whereas English is the predominant language in the public services and the legal system, in private-sector companies and in the country's major media outlets; whereas South Sudan's various ethnic groups speak, in total, more than 60 languages and dialects; whereas language is a key factor in national cohesion and therefore an appropriate language policy is important;
- AP. whereas South Sudan will continue to uphold capital punishment unless amendments in this connection are introduced into the country's constitution;
- AQ. whereas the high prevalence of child marriage, with nearly half of all girls in South Sudan between the ages of 15 and 19 being married, creates an environment in which there is increased vulnerability to physical, sexual, psychological, and economic abuse;

⁽¹⁾ UN Refugee Agency, 'CAP for South Sudan, Mid-Year Review 2013'.

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AR. whereas equitable participation of women in the public sphere is a constitutional right supported by a mandated quota of 25 %; whereas despite the commitment of the Government of South Sudan to increase the participation of women in the public sector, progress has been limited on this point; whereas the effective engagement of the women of South Sudan in peace making, governance and economic development can help consolidate peace and security for the country;

1. Welcomes the most recent signs of eased tensions between the governments of South Sudan and the Republic of the Sudan, demonstrated during the visit of the South Sudanese President to the Republic of the Sudan in early September 2013, and the statements of good will on both sides on this occasion; underlines that the economic and social development of both countries depends to a large extent on peaceful and collaborative relations between the two countries;

2. Calls on the governments of both countries and the international community to continue and intensify efforts to resolve the outstanding issues left unresolved following the expiration of the 2005 Comprehensive Peace Agreement and South Sudan's independence in July 2011, which are still obstacles to good neighbourly relations, and to abstain entirely from the use of threats and military force and the support of irregular armed forces in the region;

3. Urges the South Sudanese authorities to comply with UN Security Council Resolution 2109, to uphold the rule of law, to honour their responsibility to protect civilians and to respect the fundamental rights of their citizens; calls likewise on the South Sudanese authorities to step up their efforts to tackle the widespread and violent theft of cattle which traditionally takes place in rural parts of the country;

4. Regrets that the recommendation made by the African Union to the governments in Khartoum and Juba that a referendum on the disputed region of Abyei be held in October 2013 has not been followed up by any effective action; calls on the South Sudanese authorities to ensure that Misseriya nomads are able to participate in the referendum, as Khartoum is otherwise opposed to its holding; welcomes the statement by the authorities in South Sudan pointing out that the Misseriya have always had free access to water and pastureland in Abyei and that they will continue to enjoy this right in the future;

5. Proposes that the governments of Sudan and South Sudan consider, as a last resort, referring the outstanding problems with regard to the border between the two countries to the International Court of Justice (ICJ) so that they may be resolved legally and peacefully;

6. Urges the Republic of the Sudan and the Republic of South Sudan to respect fully the Addis Ababa Agreements of September 2012;

7. Reiterates its support for the European Union's regional engagement under the EU Strategic Framework for the Horn of Africa, as well as under the comprehensive approach to Sudan and South Sudan; notes further the overlapping geography of the Sahel region and its interlinked political, economic and social challenges; calls for the European Union, therefore, to coordinate its strategy across the wider region more effectively, specifically by linking the aims and scope of the EU Strategic Framework for the Horn of Africa with those of the EU Strategy for Security and Development in the Sahel; encourages a closely linked consideration of human rights within both; calls further for the European Union to engage with the European Union Special Representatives for the Sahel and Human Rights, in addition to the EUSR for the Horn of Africa, when addressing the outstanding challenges faced by this region, and to commit itself to a full dialogue with regional partners for the purpose of improving cooperation and development;

8. Recognises and fully supports the good offices of the EU Special Representative for Sudan and South Sudan and other EU partners; calls on all EU institutions and Member States to develop and/or maintain a constructive dialogue with both countries and also to contribute to a genuine process of comprehensive national dialogue for the future of the people of Sudan and South Sudan;

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9. Urges the authorities of Sudan and South Sudan to implement fully the Comprehensive Peace Agreement (CPA), which calls on the two states to tackle issues concerning power sharing, citizenship, oil revenues and debt sharing; stresses that despite important differences between the governments of Khartoum and Juba, especially on the controversial Abyei referendum that should have taken place in October 2013, there are positive signs of cooperation between the two governments, such as the initiative to allow cross-border movements as a preparatory step to establishing trade agreements between the two countries; praises the progress made by the African Union in bringing together the Presidents of Sudan and South Sudan to encourage the implementation of the cooperation agreements; calls on Sudan and South Sudan to resume negotiations on the supply of oil to the North;

10. Calls on South Sudan and Sudan to make best use of the wealth and potential which the oil resources in the region represent for both countries and to reach an agreement on the unsolved transitional economic arrangements between the two countries;

11. Underlines the importance of the Cooperation Agreement, including the sectoral agreements, between Sudan and South Sudan signed in Addis Ababa on 27 September 2012; stresses, however, its concern over the unilateral announcement by the Sudanese Government with regard to the shutting down of oil exports from South Sudan and the freezing of all sectoral agreements as a measure that will damage both countries' economies and escalate regional tensions; calls for both governments to work with the African Union High-Level Implementation Panel to return to the Cooperation Agreement, to end support for armed rebel groups, to adhere fully to the agreement on the Safe Demilitarised Border Zone monitored by the expanded UN Interim Security Force for Abyei, and to prepare for a referendum on the future status of Abyei;

12. Calls on all groups and parties within South Sudan to develop a joint vision for their country and its peaceful, prosperous and equitable development; proposes that the Government of South Sudan consider launching an inclusive national debate with a view to ending interethnic conflict and envisaging peaceful relations;

13. Stresses the importance of demonstrating to the people of South Sudan the value and effectiveness of their new democratic state, including the establishment of a stable government which does not operate by arbitrary presidential decrees and ensures the separation of executive, legislative and judicial powers, as well as respecting human rights and the freedom of the media, preventing and tackling corruption and delivering public services and infrastructure, including in rural areas outside Juba; deplores the impact of corruption on this new state and calls for the international donor community, including the European Union, to assess carefully South Sudan's capacity to tackle this matter; calls in addition for South Sudan to enhance efforts to tackle corruption, including initiatives by President Kiir against senior officials, whilst encouraging the government to pursue the implementation of its development plan, including by diversifying its economy away from dependence on oil exports;

14. Urges South Sudan to ratify the Cotonou Agreement between the EU and ACP states, in order to permit the long-term commitment of the EU to South Sudan's development and underlines that South Sudan's accession to the Agreement should in no way affect reconciliation and constructive relations with the Republic of the Sudan which, in fact, has a long-term interest in the prosperous development of all of its neighbours;

15. Calls on South Sudan to ratify without delay the international agreements protecting human rights;

16. Calls on key international partners, especially EU Members States, the Commission and the EEAS, to maintain their commitment to development and state-building and to human security for all South-Sudanese people; underlines the need to link peace-building, including the issue of dealing with the past, to state-building efforts in order to ensure sustainable state-building; supports the engagement of the EU as a key partner in the context of the New Deal through a State-Building Compact;

17. Calls on key international partners, especially EU Members States, the Commission and the EEAS, to maintain their commitment to development and state-building and to human security for all South-Sudanese people; supports the engagement of the EU as a key partner in the context of the *New Deal* through a State-Building Compact;

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18. Underlines the importance of the European Union, working with multilateral partners and donors, in supporting South Sudan on its democratic journey; welcomes, in this connection, the European Union's contribution (USD 4,9 million) to the International Organisation for Migration, which will facilitate dialogue and communication among the different tribes and clans on how to share scarce resources (water, pastureland) in a context of growing inter-community violence; welcomes the work of the United Nations Educational, Scientific and Cultural Organisation (Unesco) in preserving the historical archives as an important tool for South Sudan in its nation-building process; urges the South Sudanese Government, given the growing sensitivity of the international community regarding chemical weapons, to sign and ratify as soon as possible the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as well as other arms control and disarmament treaties, including those designed to tackle the illicit and uncontrolled flow of small arms and light weapons;

19. Recalls that all forms of budgetary support to developing countries require proper risk management tools, should be complimentary to other aid modalities, and need to be backed-up by proper parliamentary scrutiny of the national budget in the recipient country, as well as by other forms of accountability and by the participation of citizens, and that these measures need to be ensured and supported both by the national government and the respective aid donors;

20. Encourages the EEAS, the EU Special Representative for Sudan and South Sudan and the Commission to enhance awareness and visibility of the EU's very positive contributions to a peaceful, democratic transition and to the economic and social development of South Sudan; is concerned that putting an end to the mandate of the EU Special Representative for Sudan and South Sudan, at a time when a number of commitments contained in the 2005 Comprehensive Peace Agreement and the September 2012 Addis Ababa Agreement still have not been fully met, could further decrease this visibility and reduce the leverage of the EU and its Member States; asks for the extension of the Special Representative's mandate instead of the plan to add Sudan to the already overburdened mandate of the Special Representative for the Horn of Africa;

21. Calls for the regular review of the EU's Strategic Framework for the Horn of Africa and its comprehensive approach to Sudan and South Sudan in order to ensure that policy instruments and resources are tailored to supporting the peace process and democracy-building, including preparations for the elections in 2015; notes that future mandates, including decisions to merge positions, of the EU Special Representatives in this region should be considered in the context of such a policy review and in response to political realities on the ground;

22. Welcomes the fact that the EU has committed EUR 285 million in development aid to South Sudan since 2011, when South Sudan gained independence (excluding Member State aid), in addition to humanitarian aid;

23. Calls on the state not to prevent NGOs or humanitarian organisations from reaching people in conflict zones; points out that impeding NGOs and humanitarian organisations in this way constitutes a breach of international humanitarian law;

24. Supports the focus of EU aid for South Sudan on agriculture, democratic governance and the rule of law, education and health; notes that even though laws and regulations are in place, implementation is lagging behind; welcomes the Commission's efforts to provide support for capacity-building of the South Sudanese legal system, in particular to provide technical assistance to the judiciary and the Supreme Court; welcomes EU support to the National Legislative Assembly of South Sudan;

25. Urges the Commission, the Member States and the South Sudanese authorities to work with communities and women's organisations to provide and promote access to education and sexual and reproductive rights and healthcare services for girls and women, including access to contraception and HIV/AIDS testing and treatment;

26. Calls for projects funded by the EU to be monitored and assessed regularly, including as regards progress towards gender equality, and calls for Parliament to be informed of the results;

27. Calls for the views of local communities, in particular women, to be taken into account so that clearer objectives can be set for projects and so that those objectives can be tailored to the situation on the ground as well as to developments;

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28. Calls on the international community, in particular the EU and its Member States in the context of their external action, and in cooperation with local partners and NGOs, to emphasise the importance of access for girls to primary education and of efforts to tackle adult illiteracy, which is depriving South Sudan of the precious human capital that it needs for its development and in order to strengthen it as a democratic State;

29. Recommends the establishment, without delay, of an education system that will provide qualified people to build and maintain South Sudan's infrastructure, including its roads, housing, water purification system, sewage treatment plants, electricity, IT and telephone networks, etc.;

30. Welcomes EU support to the African Union High-Level Implementation Panel for Sudan and South Sudan (AUHIP) while, at the same time, calling for a review of the panel with a view to assessing its effectiveness; regrets that EU support has not always been fully visible;

31. Underlines the need to support mechanisms which will allow for the proper and transparent distribution and management of oil revenues; calls on the South-Sudanese authorities and the National Legislative Assembly, as well as international partners and companies present in South Sudan to contribute to greater transparency in the generation and use of those revenues; welcomes the recent passing of the Petroleum Revenue Management Bill by the National Legislative Assembly; calls for the quick adoption into law by the President and quick implementation of all modalities of the Act;

32. Stresses the need to make major sustainable investments in infrastructure, in the provision of basic services and in agricultural development in South Sudan; insists that agricultural development should have the primary aim of ensuring food security for the population and the diversification of the country's economy, which may be endangered by concessions of fertile land given to private foreign companies for extracting and exporting large amounts of commodities; highlights, in this connection, the importance of land tenure, largely neglected in South Sudan, which has led to disputes over land representing one of the root causes of conflict in the country; calls on the EU to support efforts of land governance and the strengthening of tenure security in the country, while at the same time taking into account local informal arrangements of dispute resolution and recognition of customary tenure;

33. Encourages the Government of South Sudan to foster economic diversification and reduce hydrocarbon dependence; encourages South Sudan to increase local food production, to promote export industries and to develop transport infrastructure with the aim of facilitating access to markets;

34. Draws attention to the contribution which women could make to the development of agriculture and the rural economy; encourages South Sudan to take measures to promote the involvement of women in these economic activities;

35. Underscores the importance of developing and improving infrastructure to give people throughout the country access to drinking water and improved water supplies; recommends that plans for investment in hydropower be improved;

36. Stresses that ensuring human security for all South-Sudanese people requires a renewed effort by the Government of South Sudan and its international partners to follow through with the disarmament, demobilisation and reintegration (DDR) of armed groups and to undertake broader security sector reform (SSR) leading to a reduction in the size of the standing army, as well as its professionalisation, full respect for civilian control and the chain of command, as well as greater respect for human rights among the armed forces; Stresses the need to engage constructively and frequently with South Sudanese civil society and women's associations to deal with the problem of insecurity and promote respect for human rights including women's rights;

37. Is deeply concerned that women and children of the armed conflicts in South Sudan represent the overwhelming majority of the internally displaced persons and refugees; calls for effective human rights monitoring, including of any sexual and gender-based violence or violations and abuses committed against children; calls on all warring parties to end the impunity of the perpetrators;

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38. Urges the South Sudanese Government to ensure gender equality and guarantee that women enjoy their rights and freedoms without being discriminated against on any grounds, such as sex, race, religious or cultural beliefs, or national or social origin;

39. Calls on the South Sudanese authorities to introduce a family law setting out a minimum marriageable age and conditions for the custody of children, as well as a law tackling gender-based violence, particularly by criminalising harmful traditional practices such as female genital mutilation;

40. Urges the South Sudanese Government to ratify the Convention to Eliminate all forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of the Child;

41. Calls upon the Government of South Sudan to continue to cooperate fully with the United Nations Mission in the Republic of South Sudan (UNMISS) and to assist the UN in fulfilling its mandate, in particular as regards the protection of civilians; urges UN member states to uphold their commitment to the UNMISS while realistically adapting, if necessary, its mandate, to take account of the evolving capacity of the South Sudanese authorities to provide human security over the coming years;

42. Is surprised that the United Nations, in view of the contributions made by the EU to its budget, does not grant the Union special status during election missions, ensuring that its observers are protected and can do their job properly (i.e. affording them secure accommodation and access to health care);

43. Underlines the importance of replacing the Transitional Constitution by a permanent constitution based on popular consultation and support; is concerned at the South Sudan Government's lack of political will; strongly reminds the government of its obligations under the presidential decree to conduct a constitutional review process, and calls on the government to do so before the 2015 elections; calls on the EU and its Member States to accompany and support a locally owned and driven constitution-making process, which must involve all groups of society, including women and those living in peripheral regions; calls on the EU delegation in Juba, with a view to the 2015 presidential elections, to ensure implementation of the recommendations in the report of the EU election observation mission in 2011;

44. Welcomes the commitment made by the President of South Sudan to achieve the goal of having a female representation of at least 25 % in the cabinet and invites him to strengthen the participation of women in the ongoing constitutional process; recalls that women play a key role in conflict resolution, peace-building processes and in building a stable state; invites the South Sudanese authorities, in this connection, to ensure that women are fully included in the implementation of the peace process with Sudan; calls on the international community to continue supporting the participation of women at all levels of public life;

45. Urges the South Sudanese Government to increase efforts to establish a roadmap, in order to sustain the process of transition until constitutional order and the rule of law have been fully re-established throughout the country, through the organisation of democratic, free, fair and transparent elections in 2015; calls on the EU and its international partners to increase their support for the upcoming electoral process;

46. Notes that since the CPA in 2005, there have been efforts to intensify the fight against corruption, but South Sudan's anti-corruption framework is still in the early stages of development; notes also that even where legal instruments do exist, a lack of capacity, resources and political will can hamper their implementation; encourages South Sudan to ratify the international conventions against corruption and calls on the South Sudanese authorities to develop and implement an integrated anti-corruption strategy; stresses that the international community and the EU should assist South Sudan's efforts in this area, in particular by increasing support to capacity building;

47. Urges the Government of South Sudan to enact any media laws to protect media freedom and safeguard the media in carrying out their work of reporting;

48. Calls on South Sudan's National Security Service (NSS) to end the harassment of human rights activists and journalists and the unlawful detention and censorship of journalists — which constitute breaches of South Sudan's Constitution — thereby requiring the government to guarantee freedom of the press;

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49. Urges the authorities of South Sudan to carry out prompt, effective, and impartial investigations into all allegations of threats and attacks against human rights activists and journalists and to hold those responsible to account, in accordance with international standards; welcome recent steps taken by authorities to investigate the killing of civilians and alleged human rights abuses by the armed forces;
 50. Urges the Government of South Sudan to do everything in its power to put an end to extrajudicial executions and to identify and bring to justice the security officers accused of the killing of the journalist Isaiah Abraham;
 51. Urges the South Sudanese authorities to strengthen the fight against impunity by equipping the justice and law enforcement community with tools designed to prevent and curb violence against women, ensuring that the perpetrators are successfully convicted;
 52. Recommends that the Human Rights Council establish a meaningful follow-up mechanism on the situation of human rights in South Sudan, such as an independent expert;
 53. Strongly opposes the death penalty in all circumstances and calls on South Sudan to take specific steps to move towards the abolition thereof;
 54. Underlines that women in South Sudan face multiple forms of discrimination as well as violations of their fundamental rights, including widespread early and forced marriage, the absence of family law, limited political participation by women's at all levels of government, and sexual and domestic violence; calls on the South Sudanese Government to eliminate all kinds of discrimination against women, to fight illiteracy by improving access to education for women, thereby improving their role in society and in the building of the new state; calls on the South Sudanese Government to set out a national action plan to end child marriage by promoting, inter alia, access to education for children; urges the South Sudanese Government, in this connection, and considering that traditional practices play an important role in the society of South-Sudan, to end any discriminatory traditional practices carried out against women by engaging with NGOs, for example, in order to educate members of the judiciary with respect to the field of human rights;
 55. Welcomes the creation of the first College of Nursing and Midwifery at the Juba teaching hospital, but notes that more qualified nurses and midwives are needed to ensure a significant improvement in maternal and child health, and to open up roads and establish more health centres based on this model throughout the whole country;
 56. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the governments of South Sudan and Sudan, the Human Rights Commissioner of South Sudan, the National Legislative Assembly of South Sudan, the National Assembly of Sudan, the African Union, and the Secretary General of the United Nations.
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P7_TA(2013)0547

CARS 2020: towards a strong, competitive and sustainable European car industry**European Parliament resolution of 10 December 2013 on CARS 2020: towards a strong, competitive and sustainable European car industry (2013/2062(INI))**

(2016/C 468/09)

The European Parliament,

- having regard to Article 173 of Title XVII of the Treaty on the Functioning of the European Union (ex Article 157 of the Treaty establishing the European Community), covering EU industrial policy and referring to, among other things, the competitiveness of the Union's industry,
 - having regard to the Commission communication entitled 'CARS 2020: Action Plan for a competitive and sustainable automotive industry in Europe' (COM(2012)0636),
 - having regard to the reports of the CARS 21 High Level Group on the competitiveness and sustainable growth of the automotive industry in the European Union (2012) ⁽¹⁾ and on a competitive automotive regulatory system for the 21st century (2006) ⁽²⁾,
 - having regard to the Commission communication entitled 'A Stronger European Industry for Growth and Economic Recovery' (COM(2012)0582),
 - having regard to the conclusions on the situation of European industry and the specific situation of the automotive industry adopted by the Competitiveness Council at its meeting of 10 and 11 December 2012,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on International Trade, the Committee on Employment and Social Affairs, the Committee on the Internal Market and Consumer Protection and the Committee on Transport and Tourism (A7-0391/2013),
- A. whereas the automotive industry is a vital part of Europe's manufacturing base and a key source of competitiveness, growth and jobs in the EU;
- B. whereas, despite the current economic and financial crisis of unprecedented proportions, Europe's automotive industry has an important role to play in ensuring that certain skills and sectors of manufacturing are retained in Europe, and this requires coordinated action within the EU;
- C. whereas the current economic situation is not the sole cause of this crisis and whereas what is needed is a complete rethink of our approach to mobility in the 21st century, since mobility is a major factor in fostering economic growth;
- D. whereas the automotive industry is feeling the effects of a revolution in progress around the world, with demand in Europe falling or stagnating, whereas both demand and production are shifting to the emerging economies, whereas the energy sources used are changing gradually but noticeably, and whereas component parts and functions are being digitised, resulting in increasing levels of productivity, which in turn are bringing about major changes in the value chain;
- E. whereas Europe's automotive industry is still at the forefront of research and innovation worldwide and therefore needs to restore competitiveness and sustainable production throughout the entire production and value chain;
- F. whereas one solution to the problem of excess production capacity is to convert capacity to other sectors of industry, such as public transport and renewable energy, and to invest in sustainable infrastructure;

⁽¹⁾ http://ec.europa.eu/enterprise/sectors/automotive/files/cars-21-final-report-2012_en.pdf

⁽²⁾ http://ec.europa.eu/enterprise/sectors/automotive/files/pagesbackground/competitiveness/cars21finalreport_en.pdf

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Political governance

1. Endorses the Commission's new strategy of launching a new European industrial policy, in particular for the sustainable automotive industry, placed at the heart of Europe's economy;
2. Expects the Commission to coordinate its own efforts more efficiently, in order to ensure that the CARS 2020 recommendations actually become operational and are monitored by the High Level Group in order not to repeat the failure of the first phase of the CARS 21 process (December 2005), when the conclusions reached were not followed by the necessary action; calls, accordingly, on the Commission to draw up a clear schedule of fast-track measures and, within its remit, to use its right of initiative, notably by drawing up guidelines, in order to coordinate and build on action by Member States and firms to ensure decent standards of living for EU citizens and to consolidate EU industries, focusing on economic and employment growth and market recovery;
3. Calls on the Commission to develop cross-cutting roadmaps that cover development in the energy sector, the transport sector and the ICT sector;
4. Believes that action by the Commission in this area is being hampered by various constraints and a lack of policy coordination mechanisms; calls on the Commission to submit a study showing the mismatch between what it wishes to achieve and the tools available to it, as the basis for a debate within the Council and Parliament;
5. Believes that the Commission should take into consideration the entire automotive sector, in particular subcontractors, retailers and aftermarket firms, in all future policy-making processes involving the sector;
6. Welcomes the industrial policy conclusions adopted by the Competitiveness Council at its meeting in December 2012; urges the Member States to pursue their stated aim of overhauling industrial policy in the automotive sector and firming up new arrangements for Europe-wide cooperation in that sector; points out that this closer cooperation on industrial policy for the automotive sector can take place either at Union level or on a voluntary basis among a number of countries;
7. Calls on the Member States to carry out properly coordinated and structural reforms geared to enhancing competitiveness, such as support for research and innovation, competence building, staff retraining, lowering indirect costs, enhancing labour flexibility based on social dialogue, cutting red tape and shortening payment periods;
8. Believes it essential, with a view to restoring faith in the EU, for the Union to improve the implementation of its action plan and the way the action plan is communicated to the general public, investors and firms;

Automotive industry and production in the EU

9. Considers it essential for cohesive and dynamic research, manufacturing, production and value, and innovation chains to be maintained and further developed in the EU with a focus on the production of sustainable vehicles; takes the view that keeping Europe competitive in the future will depend on creating a virtuous circle that benefits innovation, employment, competitiveness, health, the environment and mobility;
10. Points out that labour costs in the automotive industry account for between just 13 and 20 % of added value; points out, furthermore, that global competitiveness can only be guaranteed by means of innovation throughout the production chain and flexibility in production processes, and that this must accordingly be negotiated with the workers;
11. Stresses the importance of maintaining and strengthening the production base in Europe so as to ensure decent living standards for its citizens and consolidate its industries with a view to achieving economic growth and recovery;

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12. Acknowledges the fact that the European market is in a state of decline and crisis, including in the automotive sector; considers it regrettable, however, that the Commission fails to analyse the fundamental causes of this decline such as the widely varying circumstances in the industry (firms, market segments and types, products, sectors) and the large number of structural changes (of a demographic, sociological, behavioural, economic and technical nature) that are taking place on the demand side; believes, therefore, that, alongside Europe-wide cross-cutting action, measures specifically tailored to individual circumstances need to be taken at both national and European level in order to stimulate demand;

13. Considers that new behavioural patterns of mobility are powerful levers for boosting the competitiveness of the European automotive sector, such as public and multimodal transport networks, traffic management, smart cities, car-sharing and joint ownership schemes;

14. Deplores the fact that the Commission fails to address the issue of over-capacity, despite the fact that it is a problem shared by the whole of the industry and one that has unavoidable short- and medium-term repercussions (chain, jobs, regional economy); calls therefore on the Commission to submit at the earliest opportunity:

- (a) a study on the scale of over-capacity in Europe and the best practice in addressing this problem, including outside the EU (United States);
- (b) an action plan setting out all the policy tools available in this area, including in particular those involving research and innovation;
- (c) proposals for more active and coordinated support for workers and companies in the automotive sector to promote the reorientation of skills and jobs towards other sectors that are growing;

15. As regards restructuring:

- (a) welcomes the Commission's intention to re-establish the task force to monitor major restructuring operations, as well as the publication of the Green Paper on effective restructuring practices (COM(2012)0007);
- (b) calls on firms and Member States to step up cooperation and efforts to anticipate industrial adjustments, in order to prevent negative externalities from undermining the cohesiveness of the industrial production process (jobs, production);
- (c) calls on the Commission and Member States to develop conversion plans in a coordinated fashion so as to support regions facing swingeing job losses in the automotive sector, and calls for integrated use to be made, in the process, of all European-level instruments (EIB, ESF and ERDF) and national instruments so as to assist the workers affected and redirect them towards alternative employment in related sectors, e.g. alternative energy, and for the available automotive technology to be optimised;
- (d) underscores also the central role and responsibility of firms and regional governments in conversion policy, in particular by improving worker training, but also by making available vacated sites for the socio-economic development and conversion of the regions concerned;

16. Draws the attention of both Member States and firms to the fact that clustering (joint purchasing, cooperation arrangements, consortiums, mergers) provides a means of remaining competitive in the face of increasingly fierce competition from outside the EU;

17. Calls on the Commission and the Member States to strengthen the specific measures to step up access to capital markets for SMEs and mid-cap companies, notably by setting up regional one-stop-shops; considers that SMEs and mid-cap companies, in particular subcontractors, distributors and retailers and aftermarket firms, are those which are being hit hardest by the crisis; points out, at the same time, that such companies are an asset because their size and responsiveness allow them to adjust to change, and that they have been the initiators of many technological advances; considers, therefore, that one avenue of development to be pursued is the diversification of SMEs' and mid-cap companies' commercial opportunities (through internationalisation and involvement in new projects);

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18. Reiterates the importance of complying with the principle of technological neutrality in the choice of standards in order to protect the investments of first movers, thereby encouraging innovation in the sector;

Human resources

19. Believes the know-how built up by the workers in the automotive industry to be an asset for Europe; welcomes the setting-up of the European Automotive Skills Council in 2013, and trusts that it will swiftly identify effective policies in this area;

20. Welcomes the Commission's statement on shaping skills and developing competences as the basis for a durable competitive advantage;

21. Believes the labour market to be out of step with the industry's requirements (strong demand for skilled workers) at present; considers it essential in this connection to adapt not just public training strategies (promoting science, technology, engineering and mathematics courses and vocational training), but also firms' training strategies (in particular by extending dual-training systems) in order to enable firms to attract and hold on to highly qualified workers;

22. Calls on the Member States to make the legislative adjustments required for more open and constructive social dialogue and labour relations affecting the organisation of work (e.g. sectoral agreements, worker involvement); calls on the Member States to develop and follow best practices;

23. Recommends that Member States and firms should improve the provision of further training for workers, in order to anticipate tomorrow's needs and make it possible, in the event of job losses in a given sector, for the laid-off workers' skills to be put to good use in growth sectors;

Innovation and technology

24. Believes technological innovation to be the essential factor in automotive-sector competitiveness; calls for a technological-neutrality approach; reaffirms its determination to ensure that the Europe 2020 targets are met and that economical and sustainable means of transport and new production methods are developed;

25. Stresses that integrated innovation projects covering the whole value chain are crucial for improved competitiveness;

26. Takes the view that knowledge and innovation may form the basis for a durable competitive advantage for the European automotive industry when the pace at which innovative solutions are introduced precludes the possibility of their being imitated, and when the means used to protect innovation and to combat industrial espionage will ensure that it is possible to realise a return on investment without harming consumers; believes that the areas in which an innovative advantage will be realised on the European market centre upon environmental and safety considerations;

27. Asserts that there are two effective strategies for competitiveness in the European automotive industry: a cost leadership strategy and a differentiation strategy; feels that applying a combination of the two strategies would create difficulties and be less effective, as it would require a broader front on innovative research;

28. Notes that the European automotive industry has achieved numerous successes through the strategy of cost leadership, thanks to popular, low-cost models that circulate on the European market (e.g. producers such as Škoda, Dacia and Nissan);

29. Welcomes the Commission's proposals regarding technological improvements, but points out that its projections for the creation of added value, commercial opportunities and jobs are subject to various conditions;

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30. Considers it essential to foster research and development focusing on low-carbon and sustainable technologies, in which Europe has a lead, in order to reduce Europe's dependence on imported energy; points out that these include electric and hybrid vehicles, alternative fuels, mobile energy storage, and the roll-out of the necessary distribution networks and infrastructures, but regrets the fact that such technologies have not yet been brought onto the market; expects action to be taken with a view to:

- gearing the technologies as closely as possible to the expectations of EU and international markets and ensuring they will be accepted by car buyers, and
- taking into account all the environmental and social externalities linked to a vehicle's life-cycle, to how it is manufactured and to the clean-up effort it necessitates;

31. Takes the view that for the European automotive industry to be competitive, it has to become profitable by helping to develop industries that cooperate to supply cheap inputs from within Europe, such as: steel, castings, forgings, upholstery, tyres and electronic components;

32. Believes that EU efforts should be based on a differentiation strategy relying on a number of priorities geared towards consolidating Europe's technological advantage, including:

- (a) technological convergence, in particular as regards standards for the stages upstream of production and distribution;
- (b) the development of eco-innovations (vehicles that are lighter, more efficient, less polluting and more easily recyclable, key-enabling technologies, batteries and energy storage, driver aids, comfort, connected cars), safety (eCall) and accessibility (uses for drivers with a disability), setting European products apart from the others;
- (c) cooperation at EU and international level in areas that have been under-exploited to date, such as power-train technology;
- (d) strengthening Europe's leadership in international standard setting, thus ensuring that we can maintain a technological lead on world markets, taking into account the importance of international harmonisation for accessing new markets;
- (e) mechanisms, such as the procedure for measuring fuel consumption, becoming an important aspect of competitiveness for the global automotive industry on the European market, ensuring that European manufacturers are protected from unfair competition;
- (f) infrastructure roll-out for electric cars and alternative fuels;

33. Calls on the Member States and the Commission to foster the emergence of transnational clusters, competitive hubs and public-private collaborative networks focusing on the mobility of the future and generating a steady stream of innovations (prototypes);

34. Points out that R&D requires substantial funding (scientific risk, long investment cycles) and deplores, in this connection, the fact that the target of channelling 3 % of GDP into R&D in the Union has yet to be met; considers that the cuts planned by the Member States to the budgets of the COSME and Horizon 2020 programmes will be damaging, in particular in the budget headings relating to transport;

35. Notes that the automobile sector is a source of substantial private investment in research and innovation; points out, however, that as long as the recession continues to affect the European market, EU funding such as Horizon 2020 and COSME may stimulate private investment in the sector; stresses the need to continue to pursue an ambitious approach to the funding of the green car initiative and SME development, which are clear priorities; points out that regional and local authorities, depending on their powers, have various tools for supporting the automotive industry in an active way;

36. Highlights the need for adequate financial resources to be provided under the Multiannual Financial Framework 2014–2020 for the restructuring of the sector and to upgrade and modernise its micro, small and medium-sized enterprises, to increase productivity and promote nationally-produced goods from the sector;

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Regulation

37. Stresses the need for the principle of 'smart regulation', as a coherent approach with respect to legislation having an impact on the car industry, to be implemented at the earliest opportunity; points out that, although this was one of the recommendations of the first 'CARS 21' group (2005), no action has been taken in this area to date; stresses the vital importance of smart regulation to encourage investment in the automobile sector;

38. Takes the view that the Commission's proposal to place a moratorium on all new legislation that could have an adverse impact on the economic situation in the industry is contributing to the achievement of long-term competitiveness and helping to provide adequate responses to environmental challenges;

39. Stresses the importance of reasonable lead-times to enable the industry to adapt production facilities and invest in the industrial system;

40. Calls for any policies and decisions already in place that could hamper the sustainable transformation of the automotive industry to be reviewed; calls on the Commission to launch an ex-post assessment on adopted legislation and on the lack or bad implementation of adopted legislation;

41. Calls on European manufacturers to uphold and reinforce current EU legislation on statutory guarantees;

42. Takes the view that commercial guarantees for European automotive products are too short-term and are incommensurate with their high levels of reliability, and that this puts them at a profound competitive disadvantage in relation to the commercial guarantees offered by third-country manufacturers (e.g. Japan and South Korea);

43. Considers it essential for technical regulations to be harmonised across the EU in order to guard against any artificial distortions of competition; stresses the need for harmonisation and improvement of test procedures that are currently resulting in significant discrepancies regarding consumption figures for certain manufacturers; asks the Commission to respond to the problem of consumers being misled by unrepresentative information on vehicles' fuel consumption and environmental performances; supports the planned development of a new, accurate driving test cycle and procedures to reflect real driving conditions, and calls for these to be introduced without delay;

44. Encourages European enterprises involved in producing automotive products to step up their cooperation within the single market through European standardisation, certification, unification and disposal, and also through voluntary market segmentation;

45. Believes that there is a need to improve EU road safety significantly by taking action on vehicles, infrastructure and driver behaviour; welcomes the Commission's eCall proposal relating to a system enabling vehicles to call emergency services automatically in the event of a serious accident;

46. Calls on the Commission and the Member States to enhance the protection of intellectual property rights at international level and introduce a business confidentiality strategy at EU level, with a view to combating counterfeiting and industrial espionage; draws attention to the fact that technological development is a sensitive and vulnerable area;

Financial resources

47. Calls for the EU and the Member States to harmonise, optimise and bolster the use of the financial resources available to stimulate investment in sustainable mobility over and above public subsidies, by means of tax incentives for SMEs (tax credits for research, CO² emissions tax-and-rebate schemes, vehicle scrappage schemes) and both private funding instruments (risk capital funds, 'business angels') and public funding instruments (European Investment Bank);

48. Asks the Commission to make an in-depth country-comparative study of taxation applied to the automobile sector in the EU, in order to simplify and rationalise the current tax burden on production and on trade in motor vehicle-related services and reduce red tape;

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49. Considers it essential for complementarity to be maintained between the funding available for restructuring and that available for R&D; calls, accordingly, for the funding allocated to the European Social Fund and the European Globalisation Adjustment Fund to be maintained at the current level;

50. Considers it vital for competition policy (State aid rules) to be geared to securing greater competitiveness, growth and employment, in line with the approach pursued by our competitors outside the EU;

51. Calls for a conditionality clause to be introduced, under which automotive firms in receipt of investment support for a given site would be required to keep their operations at that site until the end of the depreciation period and to refund the EU subsidies should they decide to relocate;

Internal market

52. Points out that a robust internal market is a precondition for a return to competitiveness and sustainability in the automotive industry;

53. Considers closer European approximation essential in areas in which the prevailing conditions militate against a level playing field:

(a) vis-à-vis non-EU competitors: high prices for energy and raw materials, strong euro exchange rate;

(b) on the internal market: social and fiscal competition, tax breaks for firms and incentives for buyers (low-carbon incentives, vehicle scrappage schemes);

(c) in the EU internal market: conditions relating to the recyclability of vehicles and the ecological recycling of used cars;

54. Stresses that suppliers in particular need to be strengthened, and that it is here that innovation potential (Car2car, car2infrastructure) and employment opportunities can be found;

55. Deplores the fact that, on the aftermarket, legal fragmentation is currently having an adverse effect on motorists and on fair and healthy competition between Member States; with a view to enhancing employment and the purchasing power of motorists and maintaining and developing European production lines and the aftermarket industry, calls for an approximation of legislation, particularly in the spare parts sector, and for information to be provided to motorists regarding their vehicle repair entitlements; calls on the Commission to accompany this with an in-depth and comparative study of the implications of legal fragmentation for the internal market, the European manufacturing sector and the purchasing power of motorists;

56. Calls for coordination at EU level to step up efforts to combat the import of counterfeit spare parts;

57. Notes the need for the Member States to ensure greater transparency and compliance with the principles of good faith in commercial relations between manufacturers and dealers; takes the view that the introduction of a code of conduct for manufacturers and dealers would be a reliable way of achieving this; considers that this code should at least include clauses relating to dealer relocation, multi-branding and compensation entitlement for unjustified termination of the contract by the manufacturer in line with the supplementary guidelines contained in Commission Notice 2010/C 138/05;

58. Calls on the Commission to take measures, in cooperation with the Member States, to ensure a high level of consumer protection, transparency and safety in the second-hand car market, and to work towards a gradual phasing-out of polluting and less safe vehicles; commends the Commission's recommendation in the roadworthiness testing regulation to require mileage recording at each test; considers that initiatives such as the 'Car Pass' scheme in Belgium could be encouraged by a European Standard; notes that re-registration procedures for vehicle transfers must also discourage cross-border mileage fraud;

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59. Draws attention once again to the economic benefits for Europe to be gained from the formation of major new industrial projects, along the lines of those in the aeronautics and space industry, in order to attain the critical mass required to face up to international competition; stresses that these projects may be organised at Union level or on a voluntary basis between Member States;

60. Underscores the importance of smart specialisation strategies to establish a framework for intra-EU competition in the same areas of activity to give way to complementary regional specialisations making the EU more competitive vis-à-vis third countries;

61. Draws the attention of:

(a) Member States to the alternative means of encouraging demand that are available, such as labelling schemes, targeted release of funds from employee savings schemes, tax incentives for company purchases, recycling of materials, public procurement;

(b) firms to the various marketing tools available, such as insurance, including loan reimbursement in case of unemployment, warranty extensions, vehicle sharing, internet sales;

62. Expresses its regret that the CARS 2020 action plan focuses primarily on European car manufacturers while ignoring the significance of the entire aftermarket sector, its actors and needs; feels that European automotive policy must be more expansive and be based on a holistic approach; asserts that the main objective should be to ensure a level playing field for all participants along the chain; takes the view, therefore, that European automotive industry policy ought also to incorporate provisions adapted for all of the actors — from major manufacturers to SMEs — in the distribution and repair chain;

External markets and trade relations

63. Points out that the automobile industry delivers a sizeable positive contribution to the EU's trade balance, that exports to emerging markets are clearly a necessity in order to maximise our long-term success, and that alliances with non-EU funds and firms are of key importance to the future of our firms, as are locating plants in non-EU countries (including to produce cars for the local markets) as a means of generating growth, and importing vehicles to meet demand;

64. Welcomes the Commission's announcement that a breakthrough has been reached in work on a free-trade zone with the USA and Japan and on equal access to global markets, which means that all participants in the global automotive market will have to adhere strictly to the same rules; takes the view that this increases the likelihood that sustainable development and improvements in road safety will become the basis for achieving competitive advantage throughout the world;

65. Acknowledges that a uniform international certification system which enables the inspection of vehicles and automotive parts across the single European market and which is based on EU environmental and safety standards could play a key role in eliminating unfair competition;

66. Recognises that demand in the emerging markets will grow not only in the luxury category but also in the lower segments, and that the European industry will be more competitive in these segments;

67. Points out that many of our automotive firms are becoming less competitive as a result of growing competition — some of it unfair — from non-EU firms; stresses that many of them have the potential to become successful if they are allowed to meet the growing demand on new export markets; urges the Commission to reorganise its trade policy, so as to be able to:

(a) coordinate Member State measures for promoting EU firms and protecting EU products, investment and intellectual property rights outside the EU;

(b) centralise all EU export instruments, in particular those geared to SMEs (Small Business, Big World), e.g. through the creation of a comprehensive, accessible and sectoral digital platform;

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(c) gradually make the principle of reciprocity — to which the Commission pays too little attention in CARS 2020 — a central tenet of our trade relations;

(d) push for the dismantling of non-tariff barriers in the automotive sector;

(e) shorten the time taken to instigate investigations and apply trade defence instruments;

68. Asks the Commission to extend its ex ante impact assessments on future trade agreements to the notion of competitiveness in the automobile sector, carry out fresh studies following their entry into force, and regularly assess the cumulative impact of agreements, both those currently in force and those subject to ongoing negotiations, based on specific and defined criteria, including the way in which stakeholders are involved;

69. Resolves to provide itself with the necessary means to gauge for itself the impact of each FTA;

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

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P7_TA(2013)0548

Sexual and reproductive health and rights

European Parliament resolution of 10 December 2013 on Sexual and Reproductive Health and Rights (2013/2040(INI))

(2016/C 468/10)

The European Parliament,

- having regard to Article 168 of the Treaty on the Functioning of the European Union concerning public health and in particular paragraph 7 thereof, which states that ‘Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care’,
 - having regard to the Programme of Action of the 1994 Cairo International Conference on Population and Development (ICPD) and to the Programme of Action of the 1995 Beijing World Conference on Women,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Development (A7-0426/2013),
- A. whereas the Cairo ICPD Programme of Action gives a definition of sexual and reproductive health and rights (SRHR);
1. Notes that the formulation and implementation of policies on SRHR and on sexual education in schools is a competence of the Member States;
 2. Notes that, even though it is a competence of the Member States to formulate and implement policies on health and on education, the EU can contribute to the promotion of best practices among Member States;
 3. Instructs its President to forward this resolution to the Council, the Commission, the governments and national parliaments of the Member States, the EU Agency for Fundamental Rights and the UN Secretary-General.
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P7_TA(2013)0549

Volunteering and voluntary activity in Europe**European Parliament resolution of 10 December 2013 on volunteering and voluntary activity in Europe (2013/2064(INI))**

(2016/C 468/11)

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to Articles 165, 166 and 214 of the Treaty on the Functioning of the European Union,
- having regard to the definition of volunteer work proposed by the International Labour Organisation (ILO) in its Manual on the Measurement of Volunteer Work (2011),
- having regard to Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass),
- having regard to Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the Youth in Action programme for the period 2007 to 2013 ⁽¹⁾,
- having regard to Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning ⁽²⁾,
- having regard to Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing for the period 2007 to 2013 the programme 'Europe for Citizens' to promote active European citizenship ⁽³⁾,
- having regard to Council Decision 2010/37/EC of 27 November 2009 on the European Year of Voluntary Activities Promoting Active Citizenship (2011) ⁽⁴⁾,
- having regard to the resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the recognition of the value of non-formal and informal learning within the European youth field ⁽⁵⁾,
- having regard to the Council resolution of 27 November 2007 on voluntary activities of young people (14427/1/2007),
- having regard to the resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 16 May 2007, on implementing the common objectives for voluntary activities of young people ⁽⁶⁾,
- having regard to the Council recommendation of 20 November 2008 on the mobility of young volunteers across the European Union ⁽⁷⁾,
- having regard to Recommendation 2006/961/EC of the European Parliament and of the Council of 18 December 2006 on transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility ⁽⁸⁾,

⁽¹⁾ OJ L 327, 24.11.2006, p. 30.

⁽²⁾ OJ L 327, 24.11.2006, p. 45.

⁽³⁾ OJ L 378, 27.12.2006, p. 32.

⁽⁴⁾ OJ L 17, 22.1.2010, p. 43.

⁽⁵⁾ OJ C 168, 20.7.2006, p. 1.

⁽⁶⁾ OJ C 241, 20.9.2008, p. 1.

⁽⁷⁾ OJ C 319, 13.12.2008, p. 8.

⁽⁸⁾ OJ L 394, 30.12.2006, p. 5.

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- having regard to its declaration of 10 March 2011 on establishing European statutes for mutual societies, associations and foundations ⁽¹⁾,
- having regard to the Council conclusions of 3 October 2011 on the role of voluntary activities in social policy (14552/2011),
- having regard to the Council conclusions of 29 November 2011 on the role of voluntary activities in sport in promoting active citizenship ⁽²⁾,
- having regard to the Commission's EU citizenship report 2010 of 27 October 2010 entitled 'Dismantling the obstacles to EU citizens' rights' (COM(2010)0603),
- having regard to the communication of 5 September 2007 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Promoting young people's full participation in education, employment and society' (COM(2007)0498),
- having regard to the communication of 27 April 2009 from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'An EU Strategy for Youth: Investing and Empowering — A renewed open method of coordination to address youth challenges and opportunities' (COM(2009)0200),
- having regard to the communication of 3 March 2010 from the Commission entitled 'Europe 2020 — A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the communication of 15 September 2010 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Youth on the Move — An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union' (COM(2010)0477),
- having regard to the communication of 20 September 2011 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'EU Policies and Volunteering: Recognising and promoting cross-border voluntary activities in the EU' (COM(2011)0568),
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council establishing 'Erasmus for All' — The Union Programme for Education, Training, Youth and Sport (COM(2011)0788),
- having regard to the report of 19 December 2012 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the 2011 European Year of Volunteering (COM(2012)0781),
- having regard to the opinion of 28 March 2012 of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'EU Policies and Volunteering: Recognising and Promoting Cross-border Voluntary Activities in the EU' ⁽³⁾,
- having regard to its resolution of 12 June 2012 on recognising and promoting cross-border voluntary activities in the EU ⁽⁴⁾,
- having regard to the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning,
- having regard to the Commission report on the implementation, results and overall assessment of the 2011 European Year of Volunteering (EYV 2011);

⁽¹⁾ OJ C 199 E, 7.7.2012, p. 187

⁽²⁾ OJ C 372, 20.12.2011, p. 24.

⁽³⁾ CESE 824/2012.

⁽⁴⁾ OJ C 332 E, 15.11.2013, p. 14.

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- having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A7-0348/2013),
- A. whereas EYV 2011 was a success, had relevant objectives and helped to raise awareness of the issue;
- B. whereas creating an environment in which volunteering can thrive and is accessible to everyone is a lengthy process in which all stakeholders need to be involved;
- C. whereas volunteering is a key facet of active citizenship and democracy, as well as of personal development, embodying European values such as solidarity and non-discrimination, and whereas it also helps to boost participatory democracy and promote human rights inside and outside the EU;
- D. having regard to the importance which is attached to volunteering in the debate on public policies;
- E. whereas engagement in voluntary activity can be an important way of gaining skills needed in the labour market as well as a means of attaining prominent social positions in the community;
- F. whereas volunteers are, to a large degree, the lifeblood of sport;
- G. whereas volunteering is a key factor for individual and collective emancipation, solidarity and social cohesion;
- H. whereas volunteering plays a key role in creating social capital and boosting development, as well as in promoting economic and social cohesion, thus helping to further the aims of the Europe 2020 strategy;
- I. whereas the Council conclusions of October 2011 on the role of voluntary activities in social policy underline the importance of voluntary activities for addressing gender inequalities;
- J. whereas bureaucratic barriers at national level continue to restrict opportunities to engage in volunteering, which is still not legally recognised to a sufficient degree in some Member States;
- K. whereas, owing to different traditions and cultural practices, major disparities exist between Member States as regards the laws applying to volunteering, the rights that volunteers have and the way in which volunteering is organised;
- L. whereas the severe economic crisis, austerity measures and tax pressures are jeopardising the financial stability of many NGOs, sports bodies and voluntary organisations, which are nonetheless continuing to do what they can to enhance inclusion and social wellbeing in these difficult times;
- M. whereas in order to safeguard the achievements of EYV 2011, European volunteering policy — to which a piecemeal approach is currently being taken at EU level, with responsibility being scattered across a range of services — needs to be properly structured and coordinated;
1. Notes the figures given for the EYV 2011 communication campaign in the annexes to the Commission report, and deplores the fact that poor results were achieved because of a lack of financial resources;
 2. Recognises and supports the various forms of volunteering practised in the Member States through national organisations and networks of associations operating at local level; calls, in this respect, for a multicultural approach from the Member States, and calls on the Commission to undertake a detailed analysis of national volunteering practices and traditions with a view to fostering a common European approach;
 3. Notes that the further consolidation of a common European approach to volunteering will create more opportunities for young people's mobility and employability by allowing them to acquire valuable skills;

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4. Welcomes the fact that some Member States have adopted or revised laws in this area with a view to creating a favourable environment for volunteering, and recommends other Member States to do likewise, with a focus on strengthening volunteers' rights using the European Charter for the Rights and Responsibilities of Volunteers;
5. Encourages Member States to continue creating an enabling environment for volunteering, especially by means of a legal framework where one is still lacking;
6. Notes that some Member States have implemented the guidelines set out in the ILO Manual on the Measurement of Volunteer Work, and encourages the others to follow suit so that a body of comparable data providing a clear picture of the valuable contribution such work makes to society may be compiled;
7. Calls for a European statute for voluntary organisations to be adopted in order to help ensure that they are given proper legal and institutional recognition;
8. Stresses the need to promote volunteering, especially among schoolchildren, students and other young people, in order to broaden the horizons of solidarity and support for it;
9. Points out that the large number of European Skills Passports created online over recent months illustrates the success of this 'electronic portfolio', which provides a comprehensive picture of individuals' skills, including those acquired during volunteering work, so that they may be officially recognised for both employment and learning purposes;
10. Draws attention to the fact that skills and abilities acquired during volunteer work, which may be counted as non-formal and informal learning and work experience, are a plus point on CVs and in working life;
11. Believes that the proposed 'Europass Experience' document would allow volunteers to describe and record skills developed during volunteer work that may not lead to certification, and encourages the Commission, in the light of the Council's recommendation on the validation of non-formal and informal learning, to launch that document as soon as possible;
12. Notes the importance of the skills and abilities mentioned above for motivating young people to volunteer and for generating social capital and boosting societal development;
13. Suggests that attention be paid to the issue of gender parity within the voluntary sector, and especially to the pronounced discrepancy that exists among voluntary leaders, with men being over-represented in managerial positions;
14. Believes that the skills acquired by young people during volunteer work should be included in the European Skills Passport and Europass, so that formal and non-formal learning are treated in the same way;
15. Emphasises that volunteering offers young people who have broken off their schooling an inclusive environment and inclusive activities;
16. Reiterates its support for the Commission's European Voluntary Humanitarian Aid Corps initiative, which is intended to help the EU respond swiftly and in a coordinated manner to humanitarian crises and serious natural disasters by providing support for the training, mobilisation and coordination of volunteers for EU humanitarian aid operations;
17. Points out that volunteering, which is becoming increasingly common among both young and elderly people, promotes intercultural learning as well as a sense of European identity and intergenerational solidarity, and fosters active ageing and lifelong civic participation;
18. Points out that volunteering enables both young people and older people to make a contribution to society and earn recognition and esteem in return, and that this improves their quality of life, wellbeing and general state of health;

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19. Points out that the existence of a broad range of volunteering activities, as well as ease of access to such activities, as regards cost, availability of information and infrastructure, and provision of liability and accident insurance cover, are essential if volunteering is to be promoted among all age groups;
20. Considers that volunteering, as an active method of building civil society, can contribute to the development of intercultural dialogue and play a major role in combating prejudice and racism;
21. Points out that volunteering plays a key role in creating human and social capital and promoting social inclusion; calls on the Commission and the Member States to give due recognition to the vital contribution made by volunteering in the world of sport and, specifically, amateur sport, in which field many sports organisations would not be able to function without the help of volunteers;
22. Calls on the Commission and the Member States to give due recognition to the key contribution that volunteering is making at this time of serious economic crisis;
23. Stresses that continuous effort is required to ensure that women have equal access to voluntary activity;
24. Highlights the need to ensure continuity between EYV 2011 and subsequent EYVs, as part of efforts to ensure that volunteering is seen as a valuable means of taking an active part in society, and in this regard encourages the Commission to include volunteering as an important contribution to active citizenship during the European Year of Citizens;
25. Calls on the Member States to ensure the sustainability of the results achieved at national level during EYV 2011;
26. Calls on the Commission to introduce and develop a volunteering policy and to use the open method of coordination in order to foster dialogue and cooperation between stakeholders in the various Member States;
27. Urges the Member States to take the requisite steps to institutionalise volunteering in a manner consistent with their national labour laws;
28. Calls on the Member States and the Commission to set up a single point of contact in the form of a service with responsibility for volunteering policy and for coordination in this area between Commission departments and the various institutions;
29. Stresses the need, in cooperation in particular with European volunteer organisations, associations and networks, to set up a centralised EU portal providing a pan-European platform for coordination in this area, which should include a volunteering best practice database and a section on cross-border volunteering, with information on programmes available, costs and arrangements for taking part, in order to foster the pooling of information;
30. Encourages the Member States to set up national coordination websites and search engines that will allow easy and well-structured access to volunteering opportunities for single individuals and cooperation possibilities for organisations;
31. Encourages Member States to continue to provide a stable and sustainable support framework for both national and cross-border volunteering that supports both volunteers and volunteering organisations; recommends that Member States should keep in place the national coordinating bodies set up in connection with EYV 2011;
32. Calls on the Member States to implement the provisions of Directive 2004/114/EC⁽¹⁾ on the conditions of admission of third-country nationals for purposes of study, pupil exchange, unremunerated training or voluntary service, and to simplify the procedures for the granting of visas, or to abolish them, for those wishing to undertake voluntary activities as part of the European Neighbourhood Policy;

⁽¹⁾ OJ L 375, 23.12.2004, p. 12.

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33. Urges national, regional and local authorities to make adequate funding available, streamline administrative procedures and provide tax incentives for volunteers' organisations and networks, in particular small organisations with limited resources; calls, in this connection, for the concept of grants to associations to be clarified so that funding for associations is no longer confused with state aid which could hamper competition in the for-profit sector;
 34. Calls on the Commission to look into the possibility of counting the economic contribution made by voluntary work as matching funding for European projects;
 35. Draws attention to the need for volunteering to be encouraged as part of corporate social responsibility strategies, in keeping with voluntary international standard ISO 26000:2010 on guidance on corporate social responsibility;
 36. Calls on the Commission to see to it that Member States make it compulsory for volunteers to have proper insurance cover, in order to protect their health and safety during volunteer work;
 37. Calls on the Member States that have not yet done so to adopt legislation on volunteering and to facilitate volunteering through the provision of formal, informal and non-formal training to enhance volunteers' skills and empower them in their work;
 38. Calls on the Member States to facilitate volunteering through the provision of formal, informal and non-formal training to enhance volunteers' skills and empower them in their work, their dedication being primarily altruistic and disinterested; encourages them to introduce training courses in volunteering as electives in educational institutions;
 39. Calls on the Commission and the Member States to further promote the European Voluntary Service in universities and other higher education institutions;
 40. Believes that voluntary work, as a method of informal learning, helps to develop skills and professional qualifications which make it easier for volunteers to enter or return to the labour market;
 41. Recommends that the Commission should continue to maintain contacts with the EYV 2011 Alliance successor, the European Alliance for Volunteering, and other volunteer-based organisations and that it should take proper account of the recommendations laid down in the Policy Agenda for Volunteering in Europe (PAVE), as the basis for an action plan for the future;
 42. Calls on the Commission to marshal the necessary resources to set up a European Volunteering Development Fund, in order to ensure that appropriate support infrastructure is put in place;
 43. Emphasises the need to make it easier for NGOs to gain access to European funding, in particular under the ESF, at national and European level;
 44. Calls on the Member States to implement the Council recommendation on the validation of non-formal and informal learning and to ensure, in advance of the target date of 2018, the implementation of formal structures for the validation of the knowledge, skills and competences gained through volunteering leading to a recognised qualification which educational institutions, employers and others should recognise;
 45. Calls on the Commission to recognise volunteer time as eligible in-kind cofinancing for all European grants, and to work with volunteer organisations in order to develop systems for recording and documenting volunteer time on the basis of the many tools and models available;
 46. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P7_TA(2013)0558

EU donor coordination on development aid**European Parliament resolution of 11 December 2013 with recommendations to the Commission on EU donor coordination on development aid (2013/2057(INL))**

(2016/C 468/12)

The European Parliament,

- having regard to Article 225 of the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 9 and 151 and Article 153(1)(e) thereof,
- having regard to Articles 209 and 210 TFEU,
- having regard to the United Nations Millennium Declaration of 8 September 2000,
- having regard to the Paris Declaration of 2005, the Accra Agenda for Action (AAA) of 2008 and the Global Partnership for Effective Development of 2011,
- having regard to the joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: The European Consensus ⁽¹⁾,
- having regard to the Commission communication of 13 October 2011 entitled 'Increasing the impact of EU Development Policy: an Agenda for Change' (COM(2011)0637),
- having regard to the Council's conclusions of 14 May 2012 on 'Increasing the Impact of EU Development Policy: an Agenda for Change' ⁽²⁾,
- having regard to the Conclusions of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 15 May 2007 on the 'European Union Code of Conduct on Complementarity and the Division of Labour in Development Policy' ⁽³⁾,
- having regard to its resolution of 28 September 2006 on 'more and better cooperation: the 2006 EU aid effectiveness package' ⁽⁴⁾,
- having regard to its resolution of 22 May 2008 on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness ⁽⁵⁾,
- having regard to its resolution of 25 October 2011 on the 4th High Level Forum on Aid Effectiveness ⁽⁶⁾,
- having regard to the Conclusions of the General Affairs and External Relations Council of 17 November 2009 on an Operational Framework on Aid Effectiveness ⁽⁷⁾,
- having regard to the Conclusions of the Foreign Affairs Council (Development Ministers) of 14 June 2010 on Cross-country Division of Labour ⁽⁸⁾, which makes a number of additions and changes to the Operational Framework on Aid Effectiveness,

⁽¹⁾ OJ C 46, 24.2.2006, p. 1.

⁽²⁾ Doc. 9369/12.

⁽³⁾ Doc. 9558/07.

⁽⁴⁾ OJ C 306 E, 15.12.2006, p. 373.

⁽⁵⁾ OJ C 279 E, 19.11.2009, p. 100.

⁽⁶⁾ OJ C 131 E, 8.5.2013, p. 80.

⁽⁷⁾ Doc. 15912/09.

⁽⁸⁾ Doc. 11081/10.

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- having regard to the Conclusions of the Foreign Affairs Council (Development Ministers) of 9 December 2010 on ‘Mutual Accountability and Transparency: A Fourth Chapter for the EU Operational Framework on Aid Effectiveness’ ⁽¹⁾,
 - having regard to the consolidated text of the Operational Framework on Aid Effectiveness adopted by the General Secretariat of the Council of the European Union on 11 January 2011 ⁽²⁾,
 - having regard to the report of October 2009 entitled ‘Aid Effectiveness Agenda: Benefits of a European Approach’, commissioned by the Directorate-General for Development of the Commission ⁽³⁾,
 - having regard to the final report of March 2011 entitled ‘Joint Multiannual Programming’, commissioned by the Directorate-General for Development of the Commission ⁽⁴⁾,
 - having regard to the ‘Final Report on the Evaluation of the Paris Declaration: Phase 2’, published in May 2011,
 - having regard to the ‘Cost of Non-Europe Report’ on ‘Increasing coordination between EU donors’, presented to the Committee on Development on 10 July 2013,
 - having regard to Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) ⁽⁵⁾, in particular Article 9 (External action instruments and programming),
 - having regard to Rules 42 and 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinion of the Committee on Foreign Affairs (A7-0393/2013),
- A. whereas recent estimations set out in the above-mentioned ‘Cost of Non-Europe Report’ show that as much as EUR 800 million could be saved annually from cutting transaction costs if the EU and its Member States concentrated their aid efforts on fewer countries and activities; and whereas a further EUR 8,4 billion of annual savings could be achieved if country allocation was completely coordinated and had poverty reduction as its only target;
- B. whereas, in a context where, overall, there has been limited progress towards reaching the UN goal of providing 0,7 % of gross national income as Official Development Assistance by 2015, more efficient coordination at EU level is a matter of the utmost importance;
- C. whereas, given the change in international demographics and the greater future interdependence between what is now the developing world and the EU as a whole, more efficiency in the spending of development aid will bring about more effective assistance on the ground and have the added benefit of breeding greater mutual respect into the future;
- D. whereas coordinated action by the EU as a whole, particularly by setting up a committee comprising representatives of the Commission, the Council and the European Parliament, has an added value which, in terms of policy and financial leverage, is greater than the sum of the individual actions of its 28 Member States and the Commission;
- E. whereas the EU and its Member States should continue to lead by example in reducing aid fragmentation by fully implementing the international aid and development effectiveness commitments made in Paris, Accra and Busan and by building on the progress made in the current process of Joint Programming;

⁽¹⁾ Doc. 17769/10.

⁽²⁾ Doc. 18239/10.

⁽³⁾ Project No 2008/170204 — Version 1.

⁽⁴⁾ Project No 2010/250763 — Version 1.

⁽⁵⁾ OJ L 201, 20.5.2010, p. 3.

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- F. whereas EU donor coordination should contribute to the objective of ending all formal and informal tied aid and to turning the 'Aid Effectiveness Agenda' into a 'Development Effectiveness Agenda';
- G. whereas EU initiatives to enhance donor coordination are mainly of a voluntary, non-binding nature; and whereas the EU Code of Conduct on Complementarity and Division of Labour in Development Policy has led to limited results;
- H. whereas the Treaties give the EU the legal basis to strengthen the coherence and the effectiveness of the EU's external action;
- I. whereas the Commission should be the driving force behind the full implementation of the aid and development effectiveness agenda at EU level;
1. Calls on the EU and its Member States to honour their commitments under the Paris Declaration, the Accra Agenda for Action and the Busan Global Partnership for Effective Development Cooperation, the main obstacles to which are lack of political will, bureaucracy and high transaction costs; recalls in this context that one basic condition for fulfilment of the 'aid effectiveness agenda' is to embrace fully the principle of 'democratic ownership', implying that development strategies are country-driven and reflect the commitment of all national stakeholders;
 2. Calls on the EU and its Member States to fully exploit the legal provisions of the TFEU on development that call for complementarity between the EU and its Member States in development cooperation (Articles 208 and 210 TFEU) so as to reinforce effective coordination between EU donors;
 3. Calls for more effective coordination by the EU and its Member States through, inter alia, joint programming including in-country division of labour in order to avoid overlapping of actions and high transaction costs; insists equally on the need to undertake a careful analysis of each recipient country's specific situation needs, while ensuring that financed projects are embedded in the local economy and benefit those most in need;
 4. Calls for more effective coordination by the EU and its Member States of cross-country division of labour in order to address the problem of 'aid darlings' and 'aid orphans'; stresses that the EU's policy on division of labour should ensure that horizontal issues such as human rights, gender equality and climate change are fully addressed; stresses also that the aim to increase the impact of aid and to get more results and value for money should not lead to a risk-averse development policy which only focuses on 'easy countries';
 5. Calls for a re-evaluation of the comparative advantages of the EU and its Member States in the division of tasks in the development field by assessing strengths and weaknesses, which should involve the Member State concerned (or the Commission), as well as other donors and partner countries;
 6. Notes, however, that better coordination is also needed with the international community and, more importantly, with local actors, specifically with local governments, national parliaments, civil society and NGOs; recalls that Millennium Development Goal 8, 'forming a global partnership for development', encourages wide participation and close collaboration between all development actors;
 7. Stresses that, by pooling the resources provided by donor countries, multilateral development organisations have the potential to increase aid effectiveness and maximise efficiency; notes that the use of resources put in place by international organisations also helps donors exchange information on the development activities, resulting in greater transparency and accountability;
 8. Stresses that it is important to support the development of those countries' capacity so that they can build up the skills, know-how and institutions required to manage their own development effectively; stresses the importance of free trade, a market economy and entrepreneurship in order for developing countries themselves to be able to fight poverty and thus create sustainable economic development and reduce their dependency on aid; stresses likewise the importance of promoting and defending good governance and that it is important that authorities in recipient countries should combat corruption and build up their fiscal infrastructure in order to be able to safeguard their tax revenue and combat tax evasion and unlawful capital flight;

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9. Emphasises the growing role of non-traditional donors, as well as private-sector investments, and philanthropic financial flows to developing countries that pose additional coordination challenges; takes the view that the new framework for EU donor coordination on development aid should also explore the opportunities for integrating these aspects, building on the commitments undertaken through the Busan Partnership for Effective Development;
 10. Underlines the importance of a differentiated approach to aid effectiveness, taking into account the level of development of the partner countries (least developed, fragile or middle-income) and their specific needs; that differentiated approach should be based on multidimensional development indicators going beyond GDP that take into account in-country poverty, inequality and vulnerability;
 11. Calls on the Member States to take full advantage of new electronic tools for the coordination of projects, like the Official Development Assistance to Mozambique Database (ODAMoz), the creation of which the EU funded.
 12. Calls on the EU to ensure that the commitments on aid and development effectiveness are fully reflected in all the financial mechanisms relevant to development cooperation;
 13. Stresses that, given the constraints on national and EU budgets resulting from economic difficulties and due to growing political concern over demonstrating more effective development spending, improved donor coordination is imperative and the EU should play a key role in its promotion, and that the coordination should cover all major aspects of all development projects, including their planning, monitoring and evaluation;
 14. Considers that, as a result of their voluntary, non-binding nature, current EU initiatives to enhance donor coordination have not completely exploited the full potential of the EU and its Member States to render its development aid more effective and efficient; therefore calls on the EU and its Member States to establish a new instrument for coordination in the form of a Regulation;
 15. Requests the Commission to submit, preferably by 31 December 2015 and in any event no later than the first semester of 2016, on the basis of Articles 209 and 210 TFEU, a proposal for an act concerning regulatory aspects on EU donor coordination on development aid, following the adoption and implementation of a road map of preparatory actions to facilitate the entry into force of these regulatory aspects, following the detailed recommendations set out in the Annex hereto;
 16. Asks the Commission and the EEAS to evaluate that road map on the basis of a set of indicators previously agreed. In this process the participants, on the one hand, would be EU delegations together with Member States' diplomatic representations in partner countries and, on the other hand, DG DEVCO and the EEAS together with representatives of Member States; that process would involve the Commission and the EEAS reporting back to the European Parliament in order to agree on the implementation of the roadmap;
 17. Confirms that the recommendations respect fundamental rights and the principle of subsidiarity;
 18. Considers that the requested proposal does not have financial implications;
 19. Instructs its President to forward this resolution and the accompanying detailed recommendations to the Commission and the Council.
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ANNEX TO THE RESOLUTION:

DETAILED RECOMMENDATIONS AS TO THE CONTENT OF THE PROPOSAL REQUESTED

Recommendation 1 (on the objective and scope of the Regulation to be adopted)

The objective of the Regulation should be to codify and strengthen the mechanisms and practices for ensuring better complementarity and effective coordination of development aid. Its scope should provide for an appropriate solution to the question of increasing the effectiveness and efficiency of EU development aid.

The Regulation should apply to Member States and the EU's Institutions.

Recommendation 2 (on the general principles which should govern coordination among EU donors)

The Regulation should codify the following principles:

- Ownership: The EU and its Member States should respect partner country leadership and align behind central government-led strategies. They should include, where appropriate, actions to help strengthen partner country capacity to lead operational frameworks for donor coordination.
- Harmonisation: The EU and its Member States should implement common arrangements at country level for programming (joint programming) and work together to reduce the number of separate, often duplicated, missions to the field and diagnostic reviews. They should also delegate authority to lead donors for the execution of the activities for which one of those donors has a comparative advantage at sector or country level.
- Alignment: The EU and its Member States should base their overall support (country strategies, policy dialogues and development cooperation programmes) on partners' national development strategies and periodic reviews of progress in implementing those strategies. To make aid administration less burdensome, they should use country-systems as the first option. The EU and its Member States should avoid creating dedicated structures for day-to-day management and implementation of aid-financed projects and programmes.
- Predictability of funds: In order to effectively coordinate their development efforts, the EU and its Member States should provide developing countries with timely information on their forward expenditure and/or implementation plans, with indicative resource allocations to allow partner countries to integrate them in their medium-term planning.
- Transparency and mutual accountability: The EU and its Member States should work together with partner countries to establish mutually-agreed frameworks that provide reliable assessments of performance, transparency and accountability of country systems and to improve availability and quality of data in partner countries. Key initiatives helping to achieve these goals such as the EU Transparency Guarantee and the International Aid Transparency Initiative should be further promoted.
- Differentiated approach: In the implementation of this Regulation, a differentiated approach based on development contexts and needs should be pursued so that partner countries and regions are provided with specific, tailor-made cooperation, based on their own needs, strategies, priorities and assets.
- Review, evaluation and discussion of results: The EU should monitor and report on the implementation of the Regulation. Actions taken should be reported on an annual basis to national parliaments and to the European Parliament.

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Recommendation 3 (on Joint Programming)

The Regulation should codify the EU and its Member States' commitment to increasing their participation in joint multi-annual programming aligned with partner countries' development strategies including, to the best possible extent, the synchronisation with programming cycles at partner country level. The joint programming framework is a pragmatic tool to advance division of labour and should complement and strengthen existing arrangements for donor coordination in order to avoid unnecessary parallel processes.

The Regulation should ensure that the EU actively monitors progress at country level and at headquarters to ensure that steady progress is made on existing commitments, and that road maps for the implementation of the EU joint programming framework are duly followed up.

Recommendation 4 (on division of labour)

The EU and its Member States have developed a wide array of guiding principles on the way division of labour should be effectively conducted. The EU Code of Conduct on Complementarity and Division of Labour in Development Policy provides guidance to the EU and its Member States and should be speedily implemented in all partner countries.

Recommendation 4.1: on in-country division of labour

The EU and its Member States should reduce transaction costs by limiting the number of EU donors active in sector policy dialogue and cooperation activities. In order to do so, they should develop and implement sector exit plans for better sector concentration, based on a dialogue with partner governments and other donors as well as on an impact analysis of potential financing gaps.

Recommendation 4.2: on cross-country division of labour

With a view to reducing cross-country aid fragmentation and donor proliferation, the EU and its Member States should ensure that their country allocations are carried out on an informed basis including by taking into account other Member States' intentions and opportunities for EU impact. Member States should strive for better geographic concentration while the Commission should play a coordinating role, particularly in orphan countries. In this respect, EU joint analyses and strategies for both EU 'darling' and 'orphan' countries could serve as a basis for better cross-country division of labour.

Recommendation 5 (on monitoring progress at headquarters and country level)

The Regulation should codify the mechanisms to report evidence of progress of increased donor coordination at the country level by including, inter alia: a) disaggregated information on all relevant aid flows; b) progress on Joint Programming processes, with particular attention to division of labour; c) evidence of reduced transaction costs through division of labour; and d) the mainstreaming of Joint Programming and division of labour in strategic planning processes.

That information should be made available to partner countries so that they may report it in their national budget documents and thus facilitate transparency towards parliaments, civil society and other relevant stakeholders.

Recommendation 6 (on the involvement of national parliaments in the monitoring of donor coordination)

The Regulation should include provisions to increase the participation of national parliaments in the monitoring of donor coordination. To this end, annual meetings between the European Parliament and national parliaments should be held to assess progress and discuss results.

Recommendation 7 (on the annual report to the European Parliament and the Council)

The Regulation should include provisions on evaluation by means of an annual report. The Commission should examine the progress made in implementing the measures taken under the Regulation and should submit to the European Parliament and the Council, as well as to the Committee referred to in Recommendation 9, an annual report on its implementation and the results in terms of coordination of EU assistance.

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That report should also be submitted to the European Economic and Social Committee and to the Committee of the Regions.

The annual report should be based on information relating to the previous year provided by headquarters and the field. It should assess the results of the efforts in enhancing coordination of the development policies of the EU and its Member States, using as far as possible specific and measurable indicators of progress towards meeting the objectives of the Regulation.

Recommendation 8 (on the review)

The Commission should submit to the European Parliament and the Council a report evaluating the implementation of the Regulation in the first three years accompanied, if appropriate, by a legislative proposal introducing the necessary amendments.

Recommendation 9 (on the establishment of the Committee on Coordination)

The Regulation should include provisions for the establishment of a Committee. The Committee should adopt its rules of procedure and should be composed of representatives from the Commission, the Council and the European Parliament.

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P7_TA(2013)0575

Human rights in the world 2012 and EU policy on the matter

European Parliament resolution of 11 December 2013 on the Annual Report on Human Rights and Democracy in the World 2012 and the European Union's policy on the matter (2013/2152(INI))

(2016/C 468/13)

The European Parliament,

- having regard to the Universal Declaration of Human Rights (UDHR) and other UN human rights treaties and instruments,
- having regard to the United Nations Millennium Declaration of 8 September 2000 (A/Res/55/2) and the relevant resolutions adopted by the UN General Assembly,
- having regard to Article 21 of the Treaty on European Union (TEU),
- having regard to the EU Annual Report on Human Rights and Democracy in the World in 2012 adopted by the Council on 6 June 2013,
- having regard to its resolution of 13 December 2012 on the Annual Report on Human Rights and Democracy in the World 2011 and the European Union's policy on the matter ⁽¹⁾,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (11855/2012), as adopted by the Foreign Affairs Council on 25 June 2012,
- having regard to its resolution of 13 December 2012 on the Review of the EU's Human Rights Strategy ⁽²⁾,
- having regard to Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights ⁽³⁾,
- having regard to its recommendation of 13 June 2012 on the EU Special Representative for Human Rights ⁽⁴⁾,
- having regard to the Council Conclusions of 14 May 2012 on 'Increasing the Impact of EU Development Policy: an Agenda for Change',
- having regard to its recommendation to the High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, to the Council and to the Commission of 13 June 2013 on the 2013 review of the organisation and the functioning of the EEAS ⁽⁵⁾,
- having regard to the European Union's Guidelines on Human Rights and International Humanitarian Law ⁽⁶⁾,
- having regard to the European Union's Guidelines on the Promotion and Protection of Freedom of Religion or Belief, and to Parliament's recommendation to the Council of 13 June 2013 on the draft EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief,
- having regard to the European Union's Guidelines to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons,

⁽¹⁾ Texts adopted, P7_TA(2012)0503.

⁽²⁾ Texts adopted, P7_TA(2012)0504.

⁽³⁾ OJ L 200, 27.7.2012, p. 21.

⁽⁴⁾ OJ C 332 E, 15.11.2013, p. 114.

⁽⁵⁾ Texts adopted, P7_TA(2013)0278.

⁽⁶⁾ http://www.eeas.europa.eu/human_rights/docs/guidelines_en.pdf.

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- having regard to the EU Guidelines on Human Rights Dialogues adopted by the Council on 13 December 2001 and reviewed on 19 January 2009,
- having regard to its resolution of 8 October 2013 on corruption in the public and private sectors: the impact on human rights in third countries ⁽¹⁾,
- having regard to its resolution of 7 February 2013 on the 22nd session of the United Nations Human Rights Council ⁽²⁾,
- having regard to its resolution of 17 November 2011 on EU support for the ICC: facing challenges and overcoming difficulties ⁽³⁾,
- having regard to its resolution of 14 December 2011 on the review of the European Neighbourhood Policy ⁽⁴⁾,
- having regard to the Joint Communications of the European Commission and of the High Representative of the Union for Foreign Affairs and Security Policy of 20 March 2013 on 'European Neighbourhood Policy: Working towards a Stronger Partnership' (JOIN(2013)4), and of 25 May 2011 on 'A new response to a changing Neighbourhood: A review of the European Neighbourhood Policy' (COM(2011)0303),
- having regard to the European Instrument for Democracy and Human Rights (EIDHR) Strategy Paper for 2011-2013 and to the Commission's proposal for a new financial regulation for the EIDHR 2014-2020 (COM(2011)0844),
- having regard to its recommendation of 29 March 2012 to the Council on the modalities for the possible establishment of a European Endowment for Democracy (EED) ⁽⁵⁾,
- having regard to its resolution of 17 June 2010 on EU policies in favour of human rights defenders ⁽⁶⁾,
- having regard to its resolution of 7 July 2011 on EU external policies in favour of democratisation ⁽⁷⁾,
- having regard to its resolution of 11 December 2012 on a digital freedom strategy in EU foreign policy ⁽⁸⁾,
- having regard to the UN General Assembly resolution 67/176 of 20 December 2012 on a moratorium on the use of the death penalty,
- having regard to United Nations Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013) on women, peace and security,
- having regard to the report on the EU indicators for a Comprehensive Approach to the EU implementation of UN Security Council resolutions 1325 and 1820 on women, peace and security, adopted by the EU Council on 13 May 2011,
- having regard to the UN General Assembly resolutions on the rights of the child, most recently that of 4 April 2012 (66/141),
- having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements ⁽⁹⁾,
- having regard to its resolution of 25 November 2010 on international trade policy in the context of climate change imperatives ⁽¹⁰⁾,

⁽¹⁾ Texts adopted, P7_TA(2013)0394.

⁽²⁾ Texts adopted, P7_TA(2013)0055.

⁽³⁾ OJ C 153 E, 31.5.2013, p. 115.

⁽⁴⁾ OJ C 168 E, 14.6.2013, p. 26.

⁽⁵⁾ OJ C 257 E, 6.9.2013, p. 13.

⁽⁶⁾ OJ C 236 E, 12.8.2011, p. 69.

⁽⁷⁾ OJ C 33 E, 5.2.2013, p. 165.

⁽⁸⁾ Texts adopted, P7_TA(2012)0470.

⁽⁹⁾ OJ C 99 E, 3.4.2012, p. 31.

⁽¹⁰⁾ OJ C 99 E, 3.4.2012, p. 94.

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- having regard to its resolution of 25 November 2010 on corporate social responsibility in international trade agreements ⁽¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development and the Committee on Women's Rights and Gender Equality (A7-0418/2013),
- A. whereas the various transitional processes, including popular uprisings, conflict and post-conflict situations, as well as trapped transitions in authoritarian countries, have posed increasing challenges to the EU's policies in support of human rights and democracy in the world; whereas the EU Annual Report on Human Rights and Democracy in the World in 2012 demonstrates the need for the EU to continue to develop flexible policy responses; whereas the most fundamental policy choice for the EU concerns the resilience and political determination to stay true to the founding values of the European Union in challenging times under the pressure of other policy objectives and interests;
- B. whereas justice, the rule of law, responsibility, transparency and accountability, the fight against impunity, fair trials and an independent judiciary are indispensable elements in the protection of human rights;
- C. whereas Article 21 of the TEU further strengthened the EU's commitment to act on the international scene guided by the principles of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter, the Charter of Fundamental Rights of the European Union and international law;
- D. whereas the Copenhagen political criteria of 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities' remains a fundamental feature of the enlargement process;
- E. whereas the uprisings in the Arab world prompted the European Union to acknowledge the failure of past policies and to commit itself to a 'more for more' approach in the Review of the Neighbourhood Policy, based on a commitment to 'adapt levels of EU support to partners according to progress on political reforms and building deep democracy', as well as respect for human rights and fundamental freedoms, including free and fair elections, freedom of association, expression and assembly, a free press and media, the rule of law administered by an independent judiciary, and freedom of thought, conscience and religion or belief;
- F. whereas the Council Conclusions on the European Commission's Agenda for Change in EU Development Policy, adopted in May 2012, specifically state that 'support to partners will be adapted to their development situation and commitment and progress with regard to human rights, democracy, the rule of law and good governance'; whereas the latest EU Common Position regarding the High Level Forum on Aid Effectiveness pledges that systematic reference should be made in development co-operation to 'democratic ownership' where partner countries are responsible for promoting an enabling environment for civil society and for strengthening the role of parliaments, local authorities, national audit institutions and the free media;
- G. whereas the EU Council, in June 2012, adopted a Strategic Framework and Action Plan on Human Rights and Democracy, committing the EU institutions to the attainment of several tangible policy objectives; whereas the EU Council, in July 2012, created the position and named the first thematic EU Special Representative for Human Rights; whereas the procedure to adopt a new Action Plan on Human Rights and Democracy, due to take effect in January 2015 when the current action plan expires, needs to start in the spring of 2014;
- H. whereas the European Endowment for Democracy was established in October 2012 with the main purpose of making direct grants to pro-democracy activists or organisations struggling for democratic transition in the European Neighbourhood and beyond;

⁽¹⁾ OJ C 99 E, 3.4.2012, p. 101.

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- I. whereas the establishment of the European External Action Service (EEAS) was accompanied by assurances that support for human rights and democracy would be a silver thread running through the new EU diplomatic service; whereas the network of EU Delegations around the world provide the Vice President of the Commission/EU High Representative for Foreign Affairs and Security Policy (VP/HR) with a new capability to carry out EU human rights policy;
- J. whereas in its resolutions on the previous Annual Report and on the review of the EU human rights strategy (both of which were adopted in December 2012), Parliament stressed the need for a reform of its own practices to mainstream human rights in its activities and follow up on its urgent resolutions condemning breaches of democracy, human rights and the rule of law;
- K. whereas the European Parliament Eurobarometer survey of public opinion, carried out in the 27 EU Member States in November and December 2012, shows once more that the protection of human rights remains the most important value in the eyes of Europeans; whereas credible implementation of stated EU commitments to support human rights and democracy in its external policies is crucial to maintaining the overall credibility of EU foreign policy;
- L. whereas in December 2012 the European Union received the Nobel Prize for its contribution to the advancement of peace and reconciliation, democracy and human rights in Europe;

General points

1. Considers human rights to be at the centre of the EU's relations with all third countries, including its strategic partners; stresses that EU human rights policy needs to be consistent in complying with the Treaty obligations, ensuring coherence between internal and external policies and avoiding double standards in external policies; calls, therefore, for the adoption of EU Foreign Affairs Council Conclusions on human rights and strategic partners that would establish a common threshold for Member States and for EU officials in terms of the human rights concerns that they have to raise, as a minimum, with their strategic partner counterparts;
2. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security (VP/HR), the EU Special Representative for Human Rights and the EEAS to pursue these commitments and mainstream human rights and democracy in the EU's relations with its partners, including at the highest political level, by making use of all relevant EU external policy instruments;
3. Recognises the crucial role played by civil society in the protection and promotion of democracy and human rights; calls on the VP/HR to ensure close cooperation and partnership with civil society, including human rights defenders; considers also that the EU should throw its full weight behind all advocates of human rights, democracy, liberty and transparency throughout the world;
4. Recognises that EU institutions and all Member States should take a firm and coherent approach to human rights abuses worldwide in a transparent and accountable manner; considers that, when faced with cases of persistent human rights violations, the EU should speak up with one voice and ensure that its message is heard by both abusive governments and their peoples; calls on the Foreign Affairs Council to hold an annual public debate on human rights;
5. Recalls its determination to be closely associated with and consulted on the implementation of the EU Strategic Framework on Human Rights and Democracy;

The 2012 EU Annual Report

6. Welcomes the adoption of the EU Annual Report on Human Rights and Democracy in the World in 2012; expects a continuous commitment from the VP/HR, with regular reports to Parliament; calls for active and constructive discussions among EU institutions in preparing future reports that will raise the profile of the EU's activities in this field;

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7. Believes that the Annual Report should become an essential tool for the communication and discussion of EU activities in the area of human rights and democracy; welcomes therefore the commitment of the VP/HR and the EEAS to use EU annual reports as implementation reports on the EU Strategic Framework and the Action Plan on Human Rights and Democracy;
8. Notes the references to actions by the EU Special Representative on Human Rights in the Annual Report and encourages the VP/HR and the EEAS to include more in-depth analyses, especially when it comes to his role in implementing the Strategic Framework and the Action Plan, in order to provide an adequate description of his role and work;
9. Acknowledges the efforts made to list the various EU actions in the field of human rights and democracy support in the country reports, which provide a wealth of information about the work of the EU institutions around the world; regrets, nevertheless, that the country reports still seem to lack a systematic, clear and coherent framework that would allow for more rigorous analysis on the impact and efficiency of EU action;
10. Reiterates its view that the country reports should be further strengthened and should reflect the implementation of the human rights country strategies and thus refer to specific benchmarks based on a set of indicators to assess both positive and negative trends, evaluate the efficiency of EU actions and provide grounds for adapting the levels of EU support according to progress on human rights, democracy, the rule of law and good governance;
11. Welcomes the effort to include activities by the European Parliament in the Annual Report, calls for use to be made of Parliament's achievements and potential, including the numerous studies and analyses carried out by Parliament, and strongly encourages the VP/HR and the EEAS to report on the EU action taken on Parliament's resolutions, including on urgency resolutions relating to breaches of human rights; calls for a constant flow of information and cooperation between Parliament and the EU Special Representative for Human Rights, particularly in emergency situations;
12. Welcomes the EU Annual Report on Human Rights and Democracy in the World in 2012, as it shows the efforts that the EU is deploying to promote the mainstreaming of human rights, gender equality, democracy and good governance in development policies and instruments;

EU Policy Framework*Strategic Framework and the Action Plan*

13. Reiterates its appreciation of the EU Strategic Framework and Action Plan on Human Rights and Democracy as an important milestone in integrating and mainstreaming human rights across all EU external policies; underlines the need for a general consensus and enhanced coordination of the EU's human rights policy between the EU institutions and the Member States; calls on the EEAS to step up its efforts to increase the sense of ownership of this Action Plan among Member States; calls for the inclusion of a section on the implementation of the Action Plan by Member States in the Annual Report;
14. Stresses the vital importance of efficient and credible implementation of the stated commitments, both in the Strategic Framework and in the Action Plan; points out that credibility requires adequate resourcing of dedicated human rights policies and consistent mainstreaming at a high political level, such as at ministerial and summit meetings with third countries, including with strategic partners;
15. Regrets the fact that economic, social and cultural rights remain largely neglected by the EU's human rights policy in contrast with the EU's stated commitment to the indivisibility and interdependence of rights, and calls on the EEAS, the Commission and the Member States to step up their efforts in this direction, including in the field of labour and social rights;
16. Notes that the current Action Plan will be concluded at the end of 2014; expects the VP/HR and the EEAS to engage in a timely review and consultations with the Member States, the Commission, Parliament and civil society, leading to the adoption of a new Action Plan that will take effect in January 2015;

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EU Special Representative for Human Rights

17. Recognises the importance of the mandate given to the first EU Special Representative (EUSR) for Human Rights; encourages the EUSR to enhance the visibility, mainstreaming, coherence, consistency and effectiveness of EU human rights policy, in particular on women's rights and the rights of all minorities, and to strike the right balance between silent and public diplomacy in carrying out his mandate; repeats its recommendation that the EUSR provide Parliament with a regular report on his activities and clarification of his thematic and geographic priorities, and ensure that concerns raised by Parliament are followed up;

18. Commends the EUSR on the openness of the dialogue which he has conducted with Parliament and civil society, thus establishing an important practice that should be continued and consolidated to ensure due transparency and accountability; welcomes the EUSR's cooperation with regional bodies and in multilateral fora and encourages him to further expand such activities;

19. Welcomes the fact that cooperation with the EUSR for Human Rights was included in the mandate of the geographic EUSR for the Sahel, and urges the Council and the VP/HR to adopt this practice too, with regard to the mandates of future geographic EUSRs;

EU Guidelines on Human Rights

20. Welcomes the adoption of the EU Guidelines on Freedom of Religion or Belief, and on the human rights of LGBTI persons; reminds the EEAS, however, to respect good interinstitutional practice and engage in a timely manner and with the proper political bodies within Parliament when developing any new strategic tools such as guidelines or when reviewing existing ones; recalls Parliament's recommendation to the Council on the Guidelines on Freedom of Religion or Belief, in which Parliament proposed an ambitious set of instruments, providing suggestions for the practical implementation of the Guidelines in order to achieve substantial progress in the protection and promotion of this fundamental and universal freedom; commends the practice adopted by the EEAS and the Council of reviewing and revising older guidelines; encourages the EEAS to adopt a more rigorous review process involving thorough consultation of stakeholders in order to adapt to changing circumstances;

21. Urges the EEAS and the Council to pay particular attention to the issue of proper implementation plans for the Guidelines; recommends further training and awareness-raising among EEAS and EU Delegation staff, as well as among Member State diplomats; expresses its particular concern regarding the implementation of the Guidelines on international humanitarian law and the Guidelines on torture and other cruel, inhuman or degrading treatment;

Human rights dialogues with third countries

22. Notes the continued difficulties in achieving concrete progress in several of the EU's human rights dialogues and consultations; encourages the EU to seek new ways of making the dialogues with countries of concern more meaningful; underlines the need to pursue determined, ambitious, and transparent human rights policy in these dialogues; calls, therefore, on the EU to draw clear political conclusions when the human rights dialogue is not constructive and, in such cases or in cases of persistent human rights violations, put more emphasis on political dialogue, démarches and public diplomacy; warns, furthermore, against diverting human rights discussions away from high-level political dialogues;

23. Believes that human rights dialogues and consultations should be strengthening and supporting civil society, human rights defenders, trade unions, journalists, lawyers and parliamentarians who stand up and challenge abuses at home and demand that their rights be respected; calls on the EU to ensure that human rights dialogues and consultations are ambitious and accompanied by clear public benchmarks on the basis of which their success can be objectively measured;

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24. Recalls the fact that corruption in the public and private sectors perpetuates and aggravates inequalities and discrimination when it comes to equal enjoyment of civil, political, economic or social and cultural rights, and underlines the fact that it is proven that acts of corruption and human rights violations involve the misuse of power, lack of accountability and various forms of discrimination; requests the highest level of accountability and transparency of external aid and public budgets in relation to the EU budget and external aid;

Human rights country strategies and human rights focal points

25. Notes the efforts made by the EEAS to finalise the first cycle of EU human rights country strategies; reiterates its support for the objective of giving ownership of the country strategy to the EU Delegation and Member States' embassies on the ground, while ensuring quality control at headquarters level; regrets, however, the lack of transparency regarding the contents of the country strategies; reiterates its call for public disclosure of, at least, the key priorities of each country strategy, and for Parliament to have access to the strategies so as to allow a proper degree of scrutiny; encourages the EU to produce a public assessment of the lessons learnt during the first cycle of EU human rights country strategies and to identify best practices for the next cycle;

26. Welcomes the nearly complete network of human rights focal points in EU Delegations; calls on the VP/HR and the EEAS to develop a plan on how this network can be used to realise its full potential; invites the EU Delegations to publish the contact details of all human rights focal points and EU Liaison Officers for Human Rights Defenders;

Human rights in the EU's trade policy

27. Supports the practice of including legally binding and non-negotiable human rights clauses in the EU's international agreements concluded with third countries, and considers that human rights clauses should also be systematically included in trade agreements; calls for effective monitoring of their application and reporting back to Parliament's relevant committee on their assessment and suggested response;

28. Points out that Parliament should withhold its consent to international agreements when serious breaches of human rights occur;

29. Recalls that the revised GSP scheme will come into force on 1 January 2014; welcomes the continuation of the GSP+ scheme whereby countries can enjoy additional preferential tariffs once they have ratified and implemented the 27 core human rights, labour and environment conventions; recalls the possibility of suspending GSP, GSP+ and Everything But Arms (EBA) preferences in the event of serious human rights violations; calls on the Commission to make the assessments for GSP+ eligibility publicly available, in order to increase transparency and accountability;

30. Calls, furthermore, on the EU to define and adopt specific policy guidelines on the effective inclusion of human rights in its trade and investment agreements in order to achieve methodological consistency and rigour in the human rights impact assessments;

Human rights in EU development policies

31. Underlines the fact that the Busan Partnership for Effective Development Cooperation has called on the international community to adopt a human rights-based approach (HRBA) to international cooperation in order to boost the effectiveness of development efforts;

32. Calls on the Commission to conduct extensive impact assessments of EU development cooperation projects, which should include an assessment of their impact on the human rights situation, in order to ensure that EU development efforts do not contribute to further marginalisation of groups suffering discrimination and that EU funds are distributed fairly among different regions within a country, on the basis of their needs and level of development;

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33. Reiterates that the Commission and the European External Action Service (EEAS) should be accountable for the adoption of a rights-based approach in the future programming exercise;

34. Takes the view that national parliaments and civil society organisations play an important role in implementing human rights provisions effectively, and stresses that appropriate conditions should be put in place for their participation in decision making in order to promote genuine ownership of development strategy policy choices;

European Union policy on transition processes

35. Notes the overwhelming evidence from recent years indicating the crucial importance of EU foreign policy adequately addressing dynamic transition processes in third countries; encourages the EU to continue to learn from past experiences, both positive and negative, to avoid repeating certain policy mistakes, and to establish best practices in order to influence and consolidate democratisation processes; acknowledges the requirement for policy flexibility in diverging situations, and encourages the development of policy tools that could be applied in different transition scenarios in order to integrate human rights and democracy support measures into the EU approach in a flexible and credible manner;

36. Emphasises that political transition and democratisation need to be combined with respect for human rights, the promotion of justice, transparency, accountability, reconciliation, the rule of law and the establishment of democratic institutions, with due regard for gender equality and juvenile justice; stresses the importance of the right to redress concerning human rights abuses committed by former regimes; stresses that the EU should always advocate a context-sensitive approach to transitional justice while strictly upholding the principle of accountability for violations of human rights and international humanitarian law;

37. Emphasises that the EU should give its full support to countries that have dislodged authoritarian regimes and are undergoing a transition to democracy by supporting civil society as a crucial actor in advocating the rule of law, accountability and transparency and in promoting social movements for political change and participation; recalls that the police, the military and the judiciary are often used as mechanisms to perform systematic violations of human rights; stresses, therefore, that institutional reform of these bodies needs to provide for greater accountability and transparency in transition processes;

38. Considers the EU's external financial instruments an important tool for promoting and defending EU values abroad; welcomes, in this context, the commitment to put human rights, democracy and the rule of law at the core of EU external action; calls for improvements in the coherence and effectiveness of different thematic and geographic instruments in order to achieve this strategic objective;

39. Strongly encourages the EU to support an active and independent civil society worldwide, both politically and financially, in particular through the European Instrument for Democracy and Human Rights (EIDHR); suggests that opening -up European student exchange programmes to young people from non-EU countries and establishing training programmes for young professionals would foster the active participation of young people in democracy-building and would strengthen civil society; regrets that freedom of assembly, as a fundamental condition for any democratic development and as a particularly sensitive issue in transition countries, appears to have been overlooked in the EU's Action Plan on Human Rights and Democracy; calls on the EEAS and the Member States to draw up Guidelines on freedom of assembly;

40. Welcomes the establishment of the European Endowment for Democracy (EED) and calls for it to engage in providing support for those striving for democratic change by offering them flexible funding tailored to their needs; calls for appropriate financial support for the EED to be guaranteed by the EU and its Member States; recalls the critical importance of avoiding any overlap between the mandate and activities of the EED and those of EU external instruments, especially those in the field of human rights and democracy;

Enlargement policy, democratisation and human rights

41. Stresses the momentous importance of the enlargement process as a means of supporting democratisation and enhancing human rights protection;

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42. Welcomes the Commission's decision to place the rule of law at the heart of the enlargement process; urges the EU to remain vigilant during the enlargement processes and to demand rigorous implementation of provisions critical to human rights, such as active protection of the rights of persons belonging to national minorities in order to safeguard equal treatment of these minorities with regard to education, healthcare, and social and other public services, the establishment of the rule of law together with vigorous action to combat all forms of corruption, effective access to justice and steps to guarantee fundamental freedoms and full and effective equality between persons belonging to national minorities and those belonging to the national majority, in all areas of social, economic, political and cultural life;

43. Stresses the urgent need to bring about a fair and lasting solution to the conflict in the Middle East with a view to achieving a two-State solution — an independent, democratic and viable Palestinian State and the State of Israel, living side by side in peace and security on the basis of the internationally recognised 1967 borders;

44. Notes with concern that respecting the rights of minorities is one of the key challenges identified in the Commission's Enlargement Strategy for 2012-2013; encourages the Member States, as well as the candidate and potential candidate countries, to launch a general public debate on the acceptance of minorities and their inclusion in the education system, civil society engagement, improved living conditions and awareness-raising in general; regrets the fact that the Roma community is particularly disadvantaged throughout the Western Balkans, and that this has an adverse effect on partnership processes; urges the countries concerned to implement effective measures so as to address problems such as discrimination and segregation, and access to housing and healthcare; condemns the fomenting of hatred and prejudices in general, and negative acts and discrimination based on gender or sexual orientation, or against vulnerable groups and people with disabilities; stresses that this is a recurring issue in many enlargement countries and in a majority of the Member States;

45. Notes that media freedom has generally advanced in enlargement countries; deplors, however, the lack of measures to ensure freedom of expression in certain enlargement countries, which often leads to self-censorship, political interference, economic pressures, harassment and the use of violence against journalists; is seriously concerned, in this connection, about increasing violations of freedom of expression and press freedom in Turkey;

Challenge of transitions in the Neighbourhood Policy

46. Recognises the challenges related to democratic transitions in the Southern and Eastern Neighbourhood; notes the increasing divergence in democratic reforms across the EU neighbourhood; reiterates the importance of civil society and human rights organisations in the democratic transition process; encourages, therefore, a differentiation to be made between the Southern and Eastern dimensions of the Neighbourhood Policy in order to target the specific properties and needs of each geographical area more effectively;

47. Calls on the EU to act consistently as a democratic reform-driven partner in its neighbourhood; supports, in this connection, further engagement in association processes with the neighbourhood countries; acknowledges the conclusions of the Vilnius Summit and calls for further strengthening of relations between the EU and the Eastern Partnership countries, supports the democratic and pro-European processes in Ukraine and condemns the recent use of force against peaceful public demonstrations in Kiev as a violation of the fundamental principles of freedom of assembly and freedom of expression;

48. Notes the new EU approach aimed at strengthening the partnership between the EU and the countries and societies of its Neighbourhood, based on mutual accountability and shared commitment to the universal values of human rights, democracy, social justice and the rule of law;

49. Notes with concern the fragile state of democratic processes and the deterioration of human rights and fundamental freedoms in most of the Neighbourhood countries; emphasises that good governance, transparency, the freedom of association, expression, thought, conscience, religion and assembly, a free press and free media, the rule of law and an independent judiciary are essential for underpinning democratic transitions; reiterates the importance of upholding and promoting gender equality and women's rights, together with social development and the reduction of inequalities; recognises the key role of civil society in building public support for democratic reforms in the Neighbourhood countries;

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50. Regrets the fact that in some countries civil society organisations continue to face serious constraints such as obstacles to the freedom of movement, lawsuits against NGO leaders and human rights defenders, cumbersome administrative procedures, the aggressive use of criminal defamation laws against NGOs or a complete ban on their operation, restrictive rules controlling foreign funding or making the acceptance of financial support subject to authorisation; stresses, in this context, the importance of the European Endowment for Democracy as a flexible and discreet means of supporting the pro-democratic potential of societies in countries prior to or during the process of democratic transformation;

51. Regrets the lack of progress in achieving a sustainable political solution as regards 'frozen conflicts'; stresses that the political dialogue should give full consideration to and fully respect the territorial integrity and the internationally recognised borders of the countries concerned; urges the EU to engage more actively in this respect;

52. Underlines the importance of national human rights institutions (NHRIs) in the human rights architecture at national level, including in terms of human rights monitoring and awareness raising and ensuring redress for violations; urges the EEAS and the Commission to develop a policy in support of NHRIs, and to support the establishment and strengthening of NHRIs in line with the Paris Principles as a priority in external assistance, notably under the ENPI;

53. Remains concerned about the lack of democracy, rule of law, fundamental freedoms and respect for human rights in Belarus;

54. Notes with concern instances of selective justice in certain Eastern Neighbourhood countries; recalls that the EU has continually asked for the release of political prisoners such as Yuliya Tymoshenko in Ukraine; reiterates that political and criminal responsibility should be clearly separated in countries that are committed to democratic values;

55. Supports all steps leading to political dialogue, which is essential to move the transition in Egypt forward; expresses its deep concern about recent crises and the political polarisation in the country, including the street battles between the army and Muslim Brotherhood supporters, terrorism and violent clashes in the Sinai; condemns the extremist violence against minorities, including Coptic Christian communities; expresses its solidarity with Egyptian people fighting for democracy, welcomes the efforts by the European Union and the VP/HR to find a way out of the crisis, and points once again to the urgent need for a constructive and inclusive political dialogue in order to set up a clear roadmap for transition to a real and sustainable democracy; calls on all political leaders in the country to find a way to break the dangerous stalemate and agree on implementing tangible confidence-building measures in order to avoid the risk of more bloodshed and polarisation in the country; calls for a rapid return to the democratic process, including the holding of free and fair presidential and parliamentary elections in a fully inclusive process; urges the Egyptian authorities to advance the work on an inclusive constitution with equal rights for all;

56. Calls for an immediate end to all acts of violence, sexual assault and other forms of degrading treatment against female protesters and women's rights activists and for serious and impartial investigations into all such cases and full accountability for those responsible;

57. Remains deeply concerned about the critical situation in Syria; deplores in the strongest possible terms the use of chemical weapons and the excessive use of force and violence against the civilian population and minorities in the country, which cannot be justified under any circumstances, and abhors the scale of state abuses that may constitute crimes against humanity; reiterates its strong endorsement of the call by the UN High Commissioner for Human Rights for the situation in Syria to be referred to the ICC by the UN Security Council (UNSC) for a formal investigation; calls on all armed factions to put an immediate end to violence in the country; expresses grave concern at the ongoing humanitarian crisis, including the situation of refugees, and the implications for neighbouring countries and stability in the region; stresses again that humanitarian assistance to those in need of basic goods and services in Syria and its neighbours must be an immediate

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priority for the international community and the European Union; believes that the key to solving the conflict lies in political mechanisms and diplomatic processes; stresses the importance of the strict implementation of the Convention on the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction; welcomes the recent UNSC resolution and the UN Secretary General's proposal for a Geneva II conference to be held in December 2013; condemns the persecution of Christians and other religious minorities in the Middle East;

58. Recalls its resolutions of 25 November 2010 on the situation in Western Sahara⁽¹⁾, of 22 October 2013 on the situation of human rights in the Sahel region⁽²⁾, and calls for a guarantee of human rights for the Saharawi people and stresses the need to address these rights in Western Sahara and in the Tindouf camps, including freedom of association, freedom of expression and the right to demonstrate, to be respected; demands the release of all Sahrawi political prisoners; demands the opening of the territory to independent observers, NGOs and the media; supports a fair and mutually acceptable political solution on Western Sahara, in accordance with the relevant United Nations resolutions, including those allowing self-determination;

Transitional justice and the challenge of post-conflict peacebuilding

59. Considers accountability for past violations to be an integral element in the process of building sustainable reconciliation; calls on the EU and its Member States to support, and stresses the vital importance of, the systematic participation of women in peace processes and in political and economic decision making, including in democratic transition and conflict resolution situations; calls for war criminals to be brought before the ICC, and calls on the Member States to enhance their cooperation with the ICC in this respect; welcomes the intention of the EEAS to develop a dedicated policy on transitional justice in order to help societies deal with past abuses and fight impunity, and encourages the timely development of such a policy; stresses the need to deal with transitional justice in a manner that is consistent with the EU's support for international criminal justice in general, and the ICC in particular; draws particular attention to the EU's experience in the Western Balkans as a source of inspiration; calls on the EU to actively support the newly created mandate of the UN Special Rapporteur for the promotion of truth, justice, reparation and guarantees of non-recurrence;

60. Emphasises that a key element of the EU approach to transitional justice should be support for institutional reform of the judiciary to enhance the functioning of the rule of law in line with international standards; stresses the need for criminals whose crimes were committed some time ago to be prosecuted through national or international courts; emphasises the importance of public dialogue to confront the past and for proper victim consultation and compensation programmes, including reparations; considers that vetting the background of personnel working in the transitional institutions is a credibility test for transitional justice;

61. Notes the particular complexity of developing consistent policies for transitions in post-conflict contexts; emphasises, therefore, the need to enhance compliance with, and monitoring of, international human rights and humanitarian law norms in armed conflict situations, and encourages the EEAS to support civil society organisations dedicated to promoting respect for humanitarian law by armed state and non-state actors, with a special focus on women's rights and the best interests of the child;

62. Condemns in the strongest terms serious human rights violations perpetrated in armed conflict situations in recent and ongoing crises such as Syria, Mali, the Democratic Republic of Congo and the Central African Republic, and in particular summary executions, rape and other forms of sexual violence, acts of torture, arbitrary arrests and detentions, especially regarding the situation of women and children, who are particularly vulnerable; calls on the EU to fight against impunity in all of these cases and to support action by domestic judiciaries and the ICC to bring the perpetrators to justice; encourages the EU to integrate torture prevention mechanisms into all EU external relations activities;

63. Calls on the VP/HR and the EEAS to conduct a thorough policy review of the tragic events in Syria, Libya and Mali and other recent conflicts in order to revise the EU Guidelines on International Humanitarian Law (IHL), and to seek more

⁽¹⁾ OJ C 99 E, 3.4.2012, p. 87.

⁽²⁾ Texts adopted, P7_TA(2013)0431.

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effective implementation of those guidelines; calls on the EU to support the on-going initiative of the International Committee of the Red Cross and the Swiss Government to reform the current international governance framework regarding IHL; supports the EU in engaging in a reform of the UNSC, in order to enable it to respond effectively to contemporary crises;

64. Welcomes the launch in January 2014 of the EU Aid Volunteers initiative, which will create opportunities for more than 8 000 EU and non-EU citizens to be trained for and deployed to humanitarian operations worldwide, and notes that another 10 000 people are expected to support the EU Aid Volunteers as 'online volunteers', with tasks that can be carried out from home on a computer;

65. Calls for the EU to develop a common EU position on armed drones,

Trapped transitions and countries of concern

66. Draws attention also to the trapped transitions in countries and regions where reform movements and transitional processes have been stopped or put down by the ruling regime; calls on the EU to continue its efforts to persuade the ruling elites in these countries, as well as in other countries of concern still under authoritarian rule, to initiate a reform process to develop strong and stable democracies in which the rule of law, human rights and fundamental freedoms are upheld; takes the view that this persuasion must take place in all dialogues with its partners, including at the highest political level, by making use of all the relevant fields of EU external policy, i.e. development, trade, etc.;

67. Recalls that countries and regions trapped in transition lack democratic reforms and political accountability; reiterates that all citizens have the right to fully and freely participate in political life in which free, fair and open elections take place with more than one party and with different alternative and independent media sources;

68. Expresses its serious concern about recent repressive laws and their arbitrary enforcement by the Russian authorities, often leading to the harassment of NGOs, civil society activists, human rights defenders, minorities and LGBTI persons, and calls for the EU to express this concern at all political levels; calls for the release of Mikhail Khodorkovsky and other political prisoners, and deplores the political use of justice; urges the Russian authorities to impartially investigate and bring to justice those responsible for the deaths of Sergei Magnitsky, Natalia Estemirova, Anna Politkovskaya, Stanislav Markelov, and Vasily Alexanian; regrets the Council's failure to consider Parliament's recommendation of 23 October 2012 on the Magnitsky case; calls on the Council, therefore, to adopt a decision establishing a common EU list of officials involved in the death of Sergei Magnitsky; adds that this Council decision should impose targeted sanctions on those officials; expresses its deepest concern at the activities of far-right vigilante groups contacting LGBTI persons online to entrap and assault them and post hundreds of videos of these acts online; calls on the EU delegation and Member State embassies in Russia to increase their support for defenders of the human rights of LGBTI persons, in line with the relevant guidelines;

69. Expresses its concern about continued repression of independent journalists and human rights activists and the suppression of political dissent in Cuba; draws attention to the situation of prisoners of conscience in Cuba, who continue to be sentenced on trumped-up charges or held in pre-trial detention; calls on the EEAS and the VP/HR to promote, in the framework of the United Nations, an international and independent committee of inquiry to investigate the circumstances in which the Cuban human rights defenders and peaceful dissidents Oswaldo Payá Sardiñas (Sakharov laureate 2002) and Harold Cepero died in July 2012;

70. Stresses the need for international monitoring of the human rights situation in China and calls on the EU Member States to actively engage in establishing this monitoring in the light of the failure of the EU-China dialogue on human rights to achieve significant and tangible results; remains concerned about the increasing restrictions targeting human rights defenders, lawyers, civil society activists, journalists and bloggers; supports the internal demand among Chinese people for the basic freedoms and rights to which they are entitled; recalls that the EU could serve as a facilitator in this regard by creating greater trust, finding new modalities for dialogue, and improving already existing instruments;

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71. Urges the Chinese authorities to engage seriously with the Tibetan people in order to assess the underlying causes of the high number of self-immolations; condemns the non-voluntary resettlement and relocation of Tibetan nomads which is a threat to the survival of a way of life that is integral to Tibetan identity; urges the EEAS, in line with the newly adopted EU Guidelines on Freedom of Religion and Belief, to pay particular attention to the issue of religious repression in Tibet and to call on China to put an end to its restrictive policies on Tibetan Buddhism; stresses the need for improvement of the education system with special regard to bilingual education in the region in order to preserve national identity and heritage and to tackle the causes of youth unemployment;

72. Expresses grave concern regarding the human rights situation in Iran, the continued repression of reformists, the growing number of political prisoners and prisoners of conscience and faith, the discrimination against and persecution of the Baha'i community, the consistently high number of executions, including of minors, the widespread torture, the unfair trials and exorbitant sums demanded for bail, and the heavy restrictions on the freedom of information, expression, assembly, religion, education and movement; welcomes the release of several prisoners of conscience in Iran, including lawyer and Sakharov Prize winner Nasrin Sotoudeh; calls on the Iranian authorities to release the three opposition leaders held under house arrest with no charges for over two years, Mehdi Karroubi, Zahra Rahnava and Mir Hossein Mousavi, allow the UN Special Rapporteur on human rights in Iran to visit the country, work towards a moratorium on the death penalty, remove internet censorship and allow freedom of expression in Iran; notes the resumption of diplomatic contacts between Iran and the international community and hopes for a satisfactory and mutually acceptable conclusion to negotiations between the E3+3 and Iran on Iran's nuclear programme;

73. Expresses its deepest concern regarding the deteriorating human rights situation in the Democratic People's Republic of Korea (DPRK), draws attention to the relevant urgency resolutions (Rule 122) adopted by the European Parliament, and calls on the DPRK to engage in a meaningful dialogue on human rights with the European Union; calls on the DPRK to put an end to extrajudicial killings and enforced disappearances, release political prisoners and allow its citizens to travel freely both within and outside the country; calls on the DPRK to allow freedom of expression and press freedom for national and international media, and to allow its citizens uncensored access to the internet; notes that all the provocative actions of the DPRK and the restrictive measures imposed on its citizens have led to widespread poverty and material deprivation;

74. Raises profound concerns with reference to Kashmir, where any act of violence against civilians is to be strongly deplored; is aware that investigations into the issue of unidentified graves have been undertaken; urges, nevertheless, human rights protection mechanisms to be placed at the heart of any attempt to identify responsibility and ensure accountability for abuses against civilians;

75. Calls for the European Union to embark on a coordinated and inclusive strategy in the Sahel to improve security in the region on the one hand and to promote human rights on the other, so that human rights violations such as torture, the often arbitrary arrest of opponents and journalists, the suppression of peaceful demonstrations, acts of violence against women such as rape, forced marriage or genital mutilation, and ethnic or caste-based discrimination come to an end, thereby helping to establish the rule of law guaranteeing fundamental rights and freedoms;

76. Is highly concerned by the growing trend of state violence against LGBTI persons in several sub-Saharan countries, especially Uganda, Nigeria, Cameroon and Senegal; firmly condemns attempts to enact ever more repressive laws in countries where homosexuality is already criminalised; calls on fellow parliaments to stop responding to populist and conservative pressure, including from religious leaders, and to protect the rights of all citizens, including LGBTI persons; points out that 76 countries still criminalise homosexuality, including five which provide for the death penalty; regrets again that the Cotonou Agreement was signed with no discussion of discrimination on grounds of sexual orientation as part of its political dialogue, as requested numerous times by this Parliament; reminds the Commission and the Council of Parliament's firm resolve to include this aspect in the next revision of the Agreement;

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77. Calls on the EU to build an efficient sanctions policy towards all regimes exercising repressive methods towards civilians;

78. Calls on the EU to continue to actively support human rights defenders, including by the timely provision of temporary shelter to those at risk; calls for the EU to extend its policy in support of human rights defenders to whistle-blowers and investigative journalists, who may significantly contribute to the protection and promotion of human rights;

Election observation and democracy support policies

79. Welcomes the EU's continued support for electoral processes around the globe by deploying Election Observation Missions (EOMs) and Electoral Expert Missions (EEMs) and providing electoral assistance and support for domestic observers; notes that these missions have recently contributed to support for democratic development in the EU's neighbourhood, and have witnessed the transfer of power to the opposition (Senegal) and the consolidation of democracy emerging from conflict (Sierra Leone);

80. Stresses the importance of following up on the reports and recommendations of Election Observation Missions; highlights its initiative of strengthening the follow-up to EOM recommendations by using them as part of the 'road map for democracy' in the country concerned, and to charge the Chief Observer with a special role to ensure follow-up and implementation of the recommendations with the support of Parliament's standing bodies;

81. Emphasises the importance of enhancing the operational capacity of parliaments between elections; recalls, in this context, the EU pledge in the High Level Forum on Aid Effectiveness to base development cooperation on 'democratic ownership', with particular reference to the strengthened role of parliaments; urges the EU to work towards a rights-based approach, with the aim of integrating human rights principles into EU operational activities, and to advocate human rights issues on the global development agenda, as undertaken in the Action Plan;

82. Recalls the VP/HR's commitment to focus on the participation of women and national minorities in election observation and on persons with disabilities both as candidates and voters; requests that the conclusions of EU Election Observation Missions (EOMs) always be taken into account when drawing up programmes to support women's full and equal participation in electoral processes and in implementing the missions' recommendations;

Freedom of expression

83. Emphasises the particular importance of freedom of expression, including free media, in transition situations; welcomes the EU's commitment to producing Guidelines on Freedom of Expression (online and offline), and further recommends that the EU develop a methodology to monitor and react to changes in legislation which restrict pluralism and freedom of the press in third countries;

84. Expresses serious and continuing concern regarding online censorship and its unfortunate prevalence in many countries; stresses that in its policies the EU must prioritise the implementation of the right to participation and the right to access information as core principles of democracy that must also be realised online, and make use of available mechanisms to enhance public accountability, such as the principles of open data; considers that this should be the case at all levels of dialogue with third countries, including in bilateral relations and at the highest levels; emphasises the importance of online media to the operation and effectiveness of civil society, including for human rights defenders, trade unions and whistle-blowers; calls on the Commission and the EEAS to step up efforts to mainstream digital freedom in EU external relations;

85. Notes the regrettable trend to enact laws restricting freedom of expression and assembly for those who support the human rights of LGBTI persons; notes that such laws currently exist in Lithuania and Russia, are under consideration in Ukraine and have been proposed in Georgia, Armenia and Kazakhstan; congratulates Moldova for repealing a law prohibiting the 'propagation of any other relations than those related to marriage or family'; calls on EU delegations in the relevant countries to express the EU's particular concern about these laws;

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EU support for universal human rights

86. Supports fully the affirmative position taken by the EU in the Strategic Framework on Human Rights and Democracy regarding the promotion and protection of all human rights, as well as the pledge to 'speak out against any attempt to undermine respect for the universality of human rights'; reiterates its full support for, and calls on the EU to uphold, the indivisibility and universality of human rights, which includes the International Covenant on Economic, Social and Cultural Rights in conformity with Article 21 of the Treaty on European Union (Title V, Chapter 1 — General Provisions on the Union's External Action);

UN human rights system

87. Reiterates its support for strengthening the UN human rights system as fundamental to the advancement of universal human rights; acknowledges the EU's efforts in the Review of the UN Human Rights Council, and calls on all members of the Human Rights Council to uphold the highest standards of human rights and to live up to their pledges made before their election; considers the independence of the Office of the UN High Commissioner for Human Rights and of the UN Special Procedures mandate holders as a key prerequisite to their efficient functioning, and emphasises the need for non-earmarked funding to ensure this;

88. Welcomes the start of the second cycle of the Universal Periodic Review (UPR) process, and calls for continued close EU attention to enhancement of the UPR procedure and the degree of implementation of UPR recommendations which countries have accepted and promised to carry out;

89. Calls on the EU Member States to build upon the commitment they made in the EU Strategic Framework to ratify and implement the key international human rights treaties, by ratifying and implementing, in particular, the ten core UN human rights treaties and the optional protocols thereto, and to make the relevant declarations on ensuring the acceptance of all individual complaints and inquiry procedures; stresses the importance of these ratifications for the internal and external credibility of the EU's human rights policy; expresses its deep concern at the fact that the persistent failure of certain EU Member States to submit their periodic reports to the relevant UN human rights monitoring bodies in a timely manner is also undermining the credibility of the EU's human rights policy towards third countries;

90. Calls on the EU to encourage third countries to fully cooperate with UN Special Rapporteurs and Independent Experts on human rights including through issuing standing invitations and receiving such experts;

91. Encourages the EU and its Member States to support the UN High Commissioner for Human Rights in the implementation of her 2012 report on strengthening the UN Treaty Bodies which play a key role in monitoring the actual implementation of human rights obligations by states which are parties to the UN human rights treaties;

92. Regrets the adoption by the United Nations Human Rights Council of its resolution A/HRC/RES/21/3 on traditional values, undermining the principle of universal and indivisible human rights, and commends the EU's opposition to it; regrets the absence of follow-up to resolution A/HRC/RES/17/19 on 'Human rights, sexual orientation and gender identity', and calls on the group of states working on this issue, including South Africa, to follow up on this resolution as soon as possible; commends the work of the United Nations High Commissioner for Human Rights to promote and protect the enjoyment of all human rights by LGBTI persons, notably through statements, reports, and the new Free and Equal campaign; calls on the UN High Commissioner to continue this work, and voice strong concern regarding so-called 'anti-propaganda' laws limiting freedom of expression and assembly;

93. Emphasises, in view of the principles of international humanitarian law spell out in the 1907 Hague Regulations (Articles 42-56) and the Fourth Geneva Convention (GC IV, Articles 27-34 and 47-78) and in provisions of Additional Protocol I, the need for the EU to ensure that those partners falling within the occupying power category fulfil their duties towards the population in occupied territories; recalls that, according to international humanitarian law, public health

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standards and the provision of food and medical care to the population under occupation must be granted by the occupying power; reiterates that any transfer of the civilian population of the occupying power into the occupied territory is prohibited, and that those charged with criminal offences must be afforded proceedings providing internationally recognised judicial guarantees, such as being informed of the reason for their arrest, charged with a specific offence and given a fair trial as quickly as possible;

International Criminal Court

94. Reiterates its strong support for the International Criminal Court (ICC); considers the increasing number of states parties to be an important development in strengthening the universality of the Court; welcomes the ratification of the Rome Statute by Guatemala in April 2012 and by Côte d'Ivoire in February 2013;

95. Calls on the EU Foreign Ministers to adopt Foreign Affairs Council conclusions affirming the strong support of the EU and its Member States for the International Criminal Court, taking note of the EU's efforts to continuously review, update, and expand its instruments on the International Criminal Court, and expressing renewed commitment to working towards the universality of the Rome Statute in order to widen access to justice for victims of serious crimes under international law;

96. Regrets that the Rome Statute of the International Criminal Court is still not included in the new GSP Regulation's list of conventions required for GSP+ status; notes that a number of GSP+ applicants are not states parties to the Statute or have not ratified it (e.g. Armenia and Pakistan); reiterates its recommendation that the Rome Statute be added to a future list of conventions;

97. Calls for the EU and its Member States to emphasise the need to ratify and implement the Statute and the Agreement on Privileges and Immunities of the Court (APIC) in negotiations and political dialogues with third countries, regional organisations and other regional groups, and to include provisions concerning the ICC and international justice in EU agreements with third countries;

98. Encourages the EEAS to ensure that all EU Delegations and EU Special Representatives are fully informed of the EU Council's Decision and Action Plan on the ICC, and the EU's complementarity toolkit and actively promote the ICC, the enforcement of its decisions and the fight against impunity for Rome Statute crimes;

99. Calls on the EU Delegations and EU Special Representatives, in particular the EU Special Representative on Human Rights, to actively promote the ICC, the enforcement of its decisions, and the fight against impunity for Rome Statute crimes, in political dialogues and meetings with third countries; suggests, furthermore, the strengthening of the financial support provided to the ICC;

100. Welcomes the adoption of the EU Toolkit on Advancing Complementarity and calls on the EEAS and the Commission to take additional steps for its effective implementation; encourages the EU to ensure that support for the ICC is appropriately mainstreamed in all relevant areas of EU foreign policy;

101. Calls on the EU Member States to fully implement the Rome Statute by aligning national legislation with all Statute obligations and to comply with the ICC's requests for assistance and cooperation at all stages of the Court's proceedings, particularly with regard to preliminary examination, investigation, arrest and surrender, protection of victims and witnesses, interim release and the enforcement of sentences; regrets that contributions to the Trust Fund for Victims remain insufficient and calls on EU Member States to provide the resources required for it to fully fulfil its mandate;

102. Expresses support for appropriately funded outreach and public information activities through the regular budget of the Court and underlines the importance of these activities in ensuring that justice is visible;

103. Calls on the EU Member States to ratify the Kampala Amendments to the Rome Statute and to encourage its ratification by third countries;

104. Calls on the EU and its Member States to increase their efforts to fight impunity within the EU's own borders; encourages them in this connection to take into consideration the recommendations of the European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes;

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The death penalty and capital punishment

105. Reiterates its univocal opposition to capital punishment, and considers implementation of a universal moratorium with a view to the global abolition of the death penalty to be a central objective of the EU's policy on human rights; emphasises the fact that the death penalty has never been proved to be an effective deterrent to crime and that, according to the data available, it is the disadvantaged who are punished most by the death penalty; applauds the efforts of the European Union and its Member States at the United Nations that led to the adoption of the General Assembly resolution regarding the moratorium on the use of the death penalty in December 2012; is concerned, however, by the resumption of executions in a number of countries; calls for the EU to continue to undertake targeted campaigns on the death penalty and to intensify engagement with retentionist countries; expects to be appropriately consulted in the course of the review of Regulation (EC) No 1236/2005 on trade in goods which can be used for capital punishment or torture, which was planned for 2013;

106. Deplores the fact that Belarus remains the last country on the European continent to retain the death penalty; reiterates again that the executions of Dmitri Konovalov and Vladislav Kovalev are deeply regrettable; repeats its call to Belarus to implement a moratorium on the death penalty, which should ultimately lead to its abolition;

Business and human rights

107. Reaffirms that European companies should ensure that their activities respect human rights standards, including when operating outside the EU; expresses its concern regarding the reported cooperation of certain EU companies with authoritarian regimes, especially where trade in sensitive goods, e.g. in the field of information technologies and communication, has led to human rights abuses.

108. Recalls the importance of promoting corporate social responsibility (CSR), including in business operations outside the EU, and ensuring CSR along the whole supply chain; is convinced that European companies and their subsidiaries and subcontractors should play a key role in the promotion and dissemination of the international standards on business and human rights worldwide; stresses the importance of meaningful reporting on the human rights, social and environmental impact of projects supported by the European Investment Bank (EIB) or by export credits granted by European credit agencies; underlines the fact that financing operations carried out by these institutions should contribute to the general principles guiding Union external action, as referred to in Article 21 of the TEU;

109. Calls on the EEAS to report on implementation of the commitments made in the EU Action Plan on Human Rights with regard to the UN Guiding Principles on Business and Human Rights; regrets the lack of progress made by the Commission in answering Parliament's request that it propose legislation requiring EU companies to ensure that their purchases do not support perpetrators of conflicts and grave human rights violations;

110. Reminds the Commission of its commitment in September 2010 to examine the issue of forced prison labour in third countries and to review the EU response accordingly, and requests that the Commission report to Parliament on the outcome of this process; calls on the Commission to introduce legislation banning imports into the EU of goods manufactured by forced and prison labour;

Eradication of all forms of discrimination

111. Recalls the articles of the Universal Declaration of Human Rights stating that all human beings are born free and equal in dignity and rights and are entitled to the rights and freedoms therein without distinction of any kind; stresses the importance of fighting all forms of discrimination, including those based on race, colour, sex, sexual orientation, language, religion, caste, social origin, culture, age, birth, disabilities or other status; reiterates its call for the EU to combat discrimination and intolerance as a key part of its human rights policy, and to base this policy on an inclusive and comprehensive definition of non-discrimination; emphasises that respect for the rights of minorities is a crucial factor for peace, development and democracy; welcomes and further encourages EU engagement with the United Nations and regional organisations in this cause;

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112. Calls for the EU to pay particular attention to discrimination based on forms of social stratification, such as caste and analogous systems of inherited status, which have a seriously harmful and sometimes destructive impact on the prospects for equal enjoyment of human rights; considers that those countries where a caste system still exists should be urged to prohibit it and ensure that laws against the caste system are genuinely implemented;

Freedom of thought, conscience, religion or belief

113. Stresses that the right to freedom of thought, conscience, religion or belief, as encapsulated in Article 18 of the Universal Declaration on Human Rights and other international human rights instruments, is a fundamental human right, interrelated with other human rights and fundamental freedoms, encompassing the right to believe or not to believe, the freedom to practise theistic, non-theistic or atheistic belief alike, either in private or public, alone or in a community with others, and the right to adopt, change and abandon or return to a belief of one's choice; calls for the EU to promote the right to freedom of religion or belief within international and regional fora and in bilateral relations with third countries;

114. Recalls that the right to conscientious objection to military service constitutes a legitimate exercise of the right to freedom of thought, conscience and religion, and urges the EEAS and the Member States to call on countries with a system of compulsory military service to allow for an alternative service of a non-combatant or civilian character, in the public interest and not of a punitive nature, and to refrain from punishing, including through prison sentences, conscientious objectors for failure to perform military service;

115. Condemns in the strongest terms discrimination, intolerance, violence and killings on grounds of religion or belief, wherever and to whomever they occur; is particularly concerned about the increasing attempts to resolve differences within peoples divided along religious lines by resorting to violence and persecution, as these actions constitute an impediment to long-lasting peace and reconciliation; is also concerned about the increasingly hostile attitudes of governments society at large in many countries which continue to deny minority religious or belief groups the freedom to worship or publicly express their religion or belief; notes that social hostility and attacks against religious or belief groups, which have resulted in many deaths and injuries, are on the increase, and that impunity and the lack of protection for minority religious or belief communities remain a concern;

116. Opposes any legislation that penalises individuals for changing their religion or belief; expresses profound concern at the fact that, as a result of such legislation, individuals in certain countries face imprisonment or even the death penalty; is also concerned at the fact that those who have left or changed their religion are subjected to social hostility, such as violence and intimidation; opposes laws that penalise expressions deemed blasphemous, defamatory or insulting to religion or religious symbols, figures or feelings; states that these laws do not comply with accepted international human rights standards; condemns blasphemy law provisions in Afghanistan, Bangladesh, Egypt, Pakistan and Saudi Arabia, which allow for imprisonment and the death penalty;

117. Welcomes recent EIDHR calls for proposals prioritising and supporting civil society actions combating discrimination on the basis of religion or belief; encourages the EU to support inclusive efforts towards intercultural and interfaith dialogue and cooperation at various levels, involving community leaders, women, youth and ethnic minority representatives, and with the aim of promoting peace building and societal cohesion; calls for the EU and the Member States to develop grant schemes for the protection and promotion of freedom of religion or belief in countries where this right is most at risk;

118. Welcomes the EU's commitment to promoting the right to freedom of religion or belief within international and regional fora including the UN, the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe and other regional mechanisms; encourages the EU to continue tabling its yearly resolution on freedom of religion or belief at the UN General Assembly and supporting the mandate of the UN Special Rapporteur on Freedom of Religion or Belief;

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The rights and empowerment of women and children

119. Expresses its full support for the UN's work to uphold the rights and empowerment of women; encourages the EU to undertake a targeted campaign on the political and economic participation of women and to support initiatives against gender-based violence and femicide; supports the implementation of the Plan of Action on Gender Equality and Women's Empowerment in Development; calls on the EU Delegations to introduce specific measures on the role of external assistance and development cooperation in their local strategies for the implementation of the EU Guidelines on violence against women and girls and combating all forms of discrimination against them, including forced marriages; highlights the fact that the role of the Commission and the Member States in this area, both within and outside the EU, cannot be limited to combating violence against women in all its forms, whether physical, psychological, social or financial, and that priority must be given to non-gender based education from the youngest possible age; urges the Commission and the Council to further encourage third countries to take account of women's rights when drawing up national legislation and to ensure that all relevant provisions are duly implemented;

120. Reaffirms its condemnation of abuse and of all forms of violence against women including domestic violence; calls, therefore, on all member states of the Council of Europe to sign and ratify the Convention on preventing and combating violence against women and on the EU to engage in the process of accession to the Convention in order to ensure consistency between EU internal and external action on violence against women; stresses the importance of conducting information and awareness campaigns in communities where female genital mutilation (FGM), sexual abuse of young girls, early and forced marriages, femicides and other gender-based human rights violations are practised, and of involving human rights defenders already fighting for an end to these practices in the preparation and implementation of these campaigns; encourages the EEAS and the Member States to continue to address the issue of FGM in their political and policy dialogue with partner countries where FGM is still practised;

121. Calls for the EU to further protect reproductive rights and stresses the need to place these policies at the heart of development cooperation with third countries; strongly condemns the disgraceful practice of female genital mutilation in certain parts of Africa, honour killings, gender-based abortion and forced marriage; recalls the important conclusions reached at the International Conference on Population and Development (ICPD) in Cairo;

122. Supports the 'Education First' initiative of the UN Secretary-General, as access to education increases protection against threats to girls' futures, such as early marriage and pregnancy, HIV, poverty, domestic and sexual violence, and also reduces child and maternal mortality;

123. Calls for efforts to be stepped up to ensure the fullest possible achievement, prior to the expiry of the deadlines, of the Millennium Development Goals as regards gender equality, maternal health and access to adequate health systems, education and sexual and reproductive health rights, especially for the most vulnerable groups such as girls and young women, on the basis of a solid commitment on the part of governments to enhance accountability and monitoring mechanisms for existing human rights obligations, promote access to justice for all and ensure effective participation for all, including the most marginalised and disadvantaged, in development, decision making and implementation; strongly recommends that a stand-alone goal for women's rights and gender equality be included in the post-2015 Millennium Development Goals, with a strong emphasis on Sexual and Reproductive Health and Rights;

124. Urges the EU and its Member States to ensure that the ICPD+20 review process results in a comprehensive review of all aspects related to the full enjoyment of sexual and reproductive rights and to reaffirm a strong and progressive approach to the issue of sexual and reproductive rights for all in conformity with international human rights standards, as well as calling for greater accountability as regards achievement; also calls on them, in particular, to ensure that the review process is conducted in a participatory manner and provides opportunities for the different stakeholders, including civil society as well as women, adolescents and young people to participate in a meaningful manner; recalls that the framework for such a review must be based on human rights and must have a specific focus on sexual and reproductive rights;

125. Expresses its serious concerns regarding the issue of rape; deplores the extremely high degree of impunity with regard to rape in countries like India and Pakistan;

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126. Condemns the extended use of sexual violence and rape as a weapon of war, especially in the Great Lakes region; draws attention to the fact that gender-related crimes and crimes of sexual violence are included in the Rome Statute among war crimes, crimes against humanity or constitutive acts with respect to genocide or torture; welcomes, in this context, UN Security Council Resolution 2106 (2013) on the prevention of sexual violence in conflict, adopted on 24 June 2013, which reaffirms that the ICC plays a key role in the fight against impunity for sexual and gender-based crimes; calls on the EU to support the implementation of these principles in full; reiterates also the EU's commitment to mainstreaming human rights and gender aspects in CSDP missions in line with the landmark UN Security Council resolutions 1325 and 1820 on women, peace and security;

127. Calls for the EU to prioritise the fight against trafficking in human beings; stresses the need to consider both internal and external aspects when addressing human trafficking; encourages the Member States to implement the EU Directive (2011/36/EU) and Strategy towards the Eradication of Trafficking in Human Beings 2012-2016;

128. Calls for the universal ratification of the UN Convention on the Rights of the Child; calls on the Commission and the EEAS to take action regarding the rights of the child, with a specific focus on violence against children, specifically on the issues of forced child labour, child marriage, enlistment of children in armed groups, their disarmament, rehabilitation and subsequent reintegration, as well as placing the issue of child witchcraft on the agenda of human rights dialogues with the countries concerned; stresses the importance of prioritising children's rights within EU external policy;

129. Stresses the need to step up efforts to implement the Revised Implementation Strategy of the EU Guidelines on Children and Armed Conflict; encourages the EU to further deepen its cooperation with the UN Special Representative for Children Affected by Armed Conflicts; welcomes the launch in 2012 of a new funding line to support children affected by conflict through humanitarian assistance providing access to education in emergencies;

130. Recalls its earlier recommendations on improving its own procedures in relation to human rights issues and stepping up its efforts to mainstream human rights effectively into its own structures and processes; regrets that no improvements have been made with regard to the plenary debates and resolutions on cases of breaches of human rights, democracy and the rule of law, and their follow-up; welcomes efforts to improve cooperation on human rights issues with the national parliaments of the Member States;

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131. Instructs its President to forward this resolution to the Council, the Commission and 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 on Human Rights, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, and the governments of the countries and territories referred to in this resolution.

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P7_TA(2013)0576

Annual Report on EU Competition Policy

European Parliament resolution of 11 December 2013 on the Annual Report on EU Competition Policy (2013/2075(INI))

(2016/C 468/14)

The European Parliament,

- having regard to the Commission Report on Competition Policy 2012 (COM(2013)0257) and the accompanying Commission staff working document (SWD(2013)0159),
- having regard to the Treaty on the Functioning of the European Union (TFEU), in particular Articles 101, 102 and 107 thereof,
- having regard to Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty ⁽¹⁾,
- having regard to Council Regulation (EC) No 169/2009 of 26 February 2009 applying rules of competition to transport by rail, road and inland waterway ⁽²⁾,
- having regard to the proposal for a directive of the European Council and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union (COM(2013)0404),
- having regard to the Commission Communication on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union (C(2013)3440),
- having regard to the Commission staff working document entitled ‘Public consultation: Towards a Coherent European Approach to Collective Redress’ (SEC(2011)0173),
- having regard to the Commission Communication of 11 June 2013 entitled ‘Towards a European Horizontal Framework for Collective Redress’ (COM(2013)0401),
- having regard to the Commission Recommendation on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law (C(2013)3539/3),
- having regard to the study published by the Policy Department of the Directorate-General for Internal Policies, entitled ‘Collective redress in Antitrust’ of June 2012,
- having regard to the Commission Communication published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.39740 — Google (2013/C 120/09),
- having regard to the commitments offered to the Commission pursuant to Article 9 of Council Regulation (EC) No 1/2003 in Case COMP/39.398 — Visa MIF,
- having regard to Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) ⁽³⁾,
- having regard to the Commission consultation of 27 March 2013 on EU merger control — draft revision of simplified procedure and merger implementing regulation,

⁽¹⁾ OJ L 1, 4.1.2003, p. 1.

⁽²⁾ OJ L 61, 5.3.2009, p. 1.

⁽³⁾ OJ L 24, 29.1.2004, p. 1.

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- having regard to the Commission Communication of 13 October 2008 on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis (the Banking Communication) ⁽¹⁾,
- having regard to the Commission Communication of 5 December 2008 entitled 'The recapitalisation of financial institutions in the current financial crisis: limitation of aid to the minimum necessary and safeguards against undue distortions of competition' (the Recapitalisation Communication) ⁽²⁾,
- having regard to the Commission communication of 25 February 2009 on the treatment of impaired assets in the Community banking sector (the Impaired Assets Communication) ⁽³⁾,
- having regard to the Commission Communication of 23 July 2009 on the return to viability and the assessment of restructuring measures in the financial sector in the current crisis under the State aid rules (the Restructuring Communication) ⁽⁴⁾,
- having regard to the Commission Communication of 17 December 2008 on a temporary Community framework for State aid measures to support access to finance in the current financial and economic crisis (the original Temporary Framework) ⁽⁵⁾,
- having regard to the Commission Communication of 1 December 2010 entitled 'Temporary Union framework for State aid measures to support access to finance in the current financial and economic crisis' ⁽⁶⁾ (the new Temporary Framework replacing the one which ended on 31 December 2010),
- having regard to the Commission Communication on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication') ⁽⁷⁾,
- having regard to the issues paper from the Commission for the attention of the EFC on the revision of the State aid guidelines for the restructuring of banks,
- having regard to the study published by the Policy Department of the Directorate-General for Internal Policies, entitled 'State aid — Crisis rules for the financial sector and the real economy' of June 2011,
- having regard to the Commission Communication on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest ⁽⁸⁾,
- having regard to Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest ⁽⁹⁾,
- having regard to the Commission Communication entitled 'European Union framework for State aid in the form of public service compensation (2011)' ⁽¹⁰⁾,
- having regard to the Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest ⁽¹¹⁾,

⁽¹⁾ OJ C 270, 25.10.2008, p. 8.

⁽²⁾ OJ C 10, 15.1.2009, p. 2.

⁽³⁾ OJ C 72, 26.3.2009, p. 1.

⁽⁴⁾ OJ C 195, 19.8.2009, p. 9.

⁽⁵⁾ OJ C 16, 22.1.2009, p. 1.

⁽⁶⁾ OJ C 6, 11.1.2011, p. 5.

⁽⁷⁾ OJ C 216, 30.7.2013, p. 1.

⁽⁸⁾ OJ C 8, 11.1.2012, p. 4.

⁽⁹⁾ OJ L 7, 11.1.2012, p. 3.

⁽¹⁰⁾ OJ C 8, 11.1.2012, p. 15.

⁽¹¹⁾ OJ L 114, 26.4.2012, p. 8.

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- having regard to its resolution of 15 November 2011 on reform of the EU State aid rules on Services of General Economic Interest ⁽¹⁾,
 - having regard to the Commission Communication entitled ‘EU State Aid Modernisation (SAM)’ (COM(2012)0209),
 - having regard to its resolution of 17 January 2013 on State aid modernisation ⁽²⁾,
 - having regard to the Commission proposal for a Council regulation amending Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid and Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (COM(2012)0730),
 - having regard to the Commission proposal for a Council regulation amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (COM(2012)0725),
 - having regard to the Commission guidelines on State aid for railway undertakings ⁽³⁾,
 - having regard to its resolution of 12 June 2013 on regional policy as a part of wider State support schemes ⁽⁴⁾,
 - having regard to the Framework Agreement of 20 November 2010 on relations between the European Parliament and the European Commission ⁽⁵⁾ (hereinafter ‘the Framework Agreement’), in particular paragraphs 9, 12, 15 and 16 thereof,
 - having regard to the legal action filed in one Member State claiming the violation of the basic legal principle ‘nulla poena sine lege’, according to which a company cannot be fined for a cartel infringement where the size of the fine has not been established by law;
 - having regard to its resolutions of 22 February 2005 on ‘the Commission’s XXXIIIrd Report on Competition Policy — 2003’ ⁽⁶⁾, of 4 April 2006 on the Commission Report on Competition Policy 2004 ⁽⁷⁾, of 19 June 2007 on the Report on Competition Policy 2005 ⁽⁸⁾, of 10 March 2009 on the Reports on competition policy 2006 and 2007 ⁽⁹⁾, of 9 March 2010 on the Report on Competition Policy 2008 ⁽¹⁰⁾, of 20 January 2011 on the Report on Competition Policy 2009 ⁽¹¹⁾, of 2 February 2012 on the Annual Report on EU Competition Policy ⁽¹²⁾ and of 12 June 2013 on the Annual Report on EU Competition Policy ⁽¹³⁾,
 - having regard to Rules 48 and 119(2) of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Employment and Social Affairs (A7-0357/2013),
- A. whereas the equivalent of EUR 1,6 trillion was granted in State aid to banks in the EU in the period from 2008 until the end of 2011, and whereas State aid was generally provided by subscribing to debt or guarantee issues or, in exceptional cases, in the form of a grant;

⁽¹⁾ OJ C 153 E, 31.5.2013, p. 51.

⁽²⁾ Texts adopted, P7_TA(2013)0026

⁽³⁾ OJ C 184, 22.7.2008, p. 13.

⁽⁴⁾ Texts adopted, P7_TA(2013)0267.

⁽⁵⁾ OJ L 304, 20.11.2010, p. 47.

⁽⁶⁾ OJ C 304 E, 1.12.2005, p. 114.

⁽⁷⁾ OJ C 293 E, 2.12.2006, p. 143.

⁽⁸⁾ OJ C 146 E, 12.6.2008, p. 105.

⁽⁹⁾ OJ C 87 E, 1.4.2010, p. 43.

⁽¹⁰⁾ OJ C 349 E, 22.12.2010, p. 16.

⁽¹¹⁾ OJ C 136 E, 11.5.2012, p. 60.

⁽¹²⁾ OJ C 239 E, 20.8.2013, p. 97.

⁽¹³⁾ Texts adopted, P7_TA(2013)0268.

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- B. whereas in many Member States a severe credit crunch is affecting SMEs, which account for 98 % of EU firms;
- C. whereas each year losses of EUR 181-320 billion — approximately 3 % of EU GDP — accrue owing to the existence of cartels;
- D. whereas the lack of liberalisation and openness in rail passenger and freight transport is partly due to the absence of truly independent supervisory bodies at national level in some Member States;
- E. whereas the Annual Report on Competition Policy should serve as an instrument to further the Union's overall competitiveness by expanding competition and opening up to new actors, thereby widening and deepening the internal market, and not only in relation to the practical implementation of competition policy by the Commission;
- F. whereas the elimination of obstacles to the free movement of goods, services, people and capital is a precondition for growth;
- G. whereas sectors in which the level of competition is lower are often the ones where economic output is underperforming;
- H. whereas competition policy seeks to ensure the smooth running of the internal market and a level playing field, to protect consumers from anti-competitive practices and to optimise pricing; whereas the purpose of competition policy is not to micromanage but to enforce clear and fair rules within which market forces can effectively function;
- I. whereas public action, public investment and services of general economic interest (SGEIs) play an essential role in ensuring social cohesion, particularly at a time of crisis;
- J. whereas Article 14 of the TFEU establishes that codecision should be used to secure the conditions, particularly the economic and financial conditions, for the operation of SGEIs;
- K. whereas Protocol No 26 to the TFEU guarantees public authorities wide discretion in providing, commissioning and organising SGEIs;
- L. whereas the Altmark judgment establishes four criteria for distinguishing between compensation for a public service and State aid;

Competition policy as a tool to foster the single market

1. Welcomes the Commission report and its focus on the contribution of competition policy to merger control, as well as to eliminating barriers, abuses of dominant positions, collusion agreements and distortive State aid measures for the benefit of the single market, taking into account the evolution of the global economy;
2. Regrets the fact that in its 2012 report on competition policy the Commission focuses heavily on unfair competition practices resulting from State practices, while it pays relatively little attention to unfair practices due to the concentration of companies in the Single Market;
3. Believes that competition policy is a driver of economic growth and job creation, especially in crisis times;
4. Points out that competition policy and the smooth functioning of the single market are essential to confronting the crisis, encouraging growth and sustainable employment under the Europe 2020 Strategy and helping to achieve the goals of the European Union;
5. Agrees with the Commission, therefore, that the crisis should not be used as a pretext for relaxing the enforcement of competition rules;

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6. Takes the view that competition policy should be adjusted so as to better respond to the challenges posed by globalisation;
7. Takes the view that it should be possible for the new EU competition policy to include flexibility clauses;
8. Acknowledges that too many sectors are still largely divided by national borders and by public or private artificial barriers, and agrees that competition policy has a fundamental role to play in fighting such fragmentation and in creating a level playing field in all sectors of the single market, taking into account the special needs of SMEs and of final consumers;
9. Highlights the fact that implementation of competition policy in the broader sense must not strengthen already established companies and providers of goods and services, but rather have as its overarching objective to facilitate the entry of new actors and the emergence of new ideas and techniques, thereby maximising the benefit to Union citizens;
10. Considers that competition policy should contribute to promoting and enforcing open standards and interoperability in order to prevent technological lock-in of consumers and clients by a minority of market players;
11. Considers that the prices of products still vary from one Member State to another, e.g. as regards medicines, due to different agreements between Member States and the pharmaceutical industry; calls on the Commission to look into this problem and to come up with proposals to create a more transparent internal market, avoiding any unnecessary price differences, in the interest of consumers;
12. Welcomes the EU unitary patent as a step forward to complete the single market and to respond to the challenges of globalisation; calls for steps to be taken to ensure that all the Member States can participate in it; considers it necessary to reconcile intellectual property rights with the demands of competition, protecting the general interest and ensuring that patent holders do not abuse their rights to the detriment of the public; calls on the Commission to prosecute conduct aimed at unduly delaying the market entry of generic medicines;

Legitimacy and effectiveness of EU competition policy

13. Considers that it should have legislative codecision powers in the establishment of the competition policy framework; regrets the fact that Articles 103 and 109 of the TFEU provide only for consultation of Parliament; believes that this democratic deficit cannot be tolerated; proposes that this deficit be overcome as soon as possible through interinstitutional arrangements in the field of competition policy and that it be corrected in the next Treaty change; recalls that the political accountability of the Commission to Parliament covers competition policy and that the structured dialogue with the relevant Commissioner is an important tool with which to carry out sound democratic control in this field;
14. Considers that the type of dialogue engaged in by the Commissioner for Competition cannot replace genuine democratic control by Parliament; stresses that parliamentary control is all the more necessary since, under competition policy, the Commission monitors decisions taken by democratically-elected national and local authorities; also underlines the need to develop a better dialogue between the Commission, the Member States, local and regional authorities and civil society;
15. Stresses the importance of treating Parliament and Council equally as regards access to meetings and the provision of information for the preparation of legislation or soft law in the field of competition policy, as provided for in the Framework Agreement; regrets the fact that this has not been respected by the Commission;
16. Stresses the need to instil a competition culture which promotes its own values and helps nurture a positive approach to compliance with a preventive and beneficial effect for the development of competition policy;

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17. Points out that the cross-cutting facet of EU competition policy calls for complete consistency between that policy and EU policies in other fields, and that to ensure the smooth functioning of the internal market, sector-specific regulations need to comply with the principles of competition policy;
18. Believes that the Commission should put forward a proposal in order to regulate the competition issues related to minority shareholding;
19. Encourages the Commission to continue to issue soft law guidelines in the field of competition policy, duly taking into account the existing ECJ case law, in order to ensure some legal certainty for stakeholders; considers, however, that soft law cannot replace legislation in areas where legal certainty is crucial;
20. Stresses that imposing fines is a dissuasive tool, which plays an important role in competition policy and that quick action is needed for the success of investigations; believes that legal certainty, the simplification of procedures and the possibility of early termination by means of suitable agreements, are crucial, and therefore reiterates its call on the Commission to incorporate the rules on fines into Regulation (EC) No 1/2003; at the same time, considers that the Commission should increase unannounced inspections, taking action against suspected infringements;
21. Believes however that the use of ever higher fines as the sole antitrust instrument may be too blunt, not least considering potential job losses as a result of an inability to make payments; emphasises that a policy of high fines should not be used as an alternative budget financing mechanism; favours a 'carrot-and-stick' approach, with penalties that serves as an effective deterrent, in particular for repeat offenders, while encouraging compliance;
22. Calls on the Commission to ensure that its fining and enforcement policy restores a balanced market and incentivises companies to identify infringements internally and implement restorative action voluntarily; urges the Commission to take into account the level of illicit profit and loss incurred by those who were affected;
23. Reiterates that the number of requests for fine reductions on account of an inability to pay has increased, particularly from 'mono-product' undertakings and SMEs; continues to believe that a system of delayed and/or split payments could be considered as an alternative to fine reduction in order to avoid putting undertakings out of business;
24. Notes that the use of global turnover for the 10 % ceiling can lead to cumulative sanctions being imposed for the same infringement, given the increasing number of competition authorities worldwide; considers, therefore, that EEA-based turnover would be more appropriate than global turnover;
25. Still awaits an adaptation of the fining guidelines concerning "mono-product" undertakings and SMEs; welcomes, however, the fact that the Commission has recently taken into account the specific needs of 'mono-product' undertakings in its decision on 'Mountings for windows' (COMP/39452 of 28/03/2012);
26. Invites the Commission to increase its cooperation with national courts in order to facilitate private enforcement and the correct resolution of State aid disputes; welcomes the Commission's training programmes for national judges;
27. Takes a positive view of the role played by judicial bodies in competition policy, and urges them to use their powers to obtain information and opinions from the Commission and to participate in Community training activities; recommends that the Commission cooperate closely with the judicial authorities, actively exercise its remit to make contributions to judicial bodies as an 'amicus curiae', which should be published in a timely manner on the Commission's web site, and consider the possibility of taking legal action to avoid the EU being left without protection and to safeguard the interests it should protect;
28. Acknowledges the 'Commission proposal of 11 June 2013 on actions for damages under national law for infringements of competition law provisions on which it is currently working; is determined to find a satisfactory outcome to address the specific issues arising in this field;

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29. Maintains that the EU should actively promote the substantive and procedural convergence of competition rules in the international sphere; considers international cooperation to be essential to ensuring consistency and interoperability in the implementation of competition policy by the various competent authorities, with this helping to increase the effectiveness of research and create a level playing field;

30. Highlights the importance of fostering the global convergence of competition rules; encourages the Commission to conclude bilateral cooperation agreements on competition enforcement; is currently working on the proposed agreement between the EU and Switzerland concerning cooperation on the application of their competition laws; is determined to find a satisfactory outcome to address the specific issues arising in this field;

31. Considers that resources for the Commission's Directorate-General for Competition should be brought into line with its increased workload and range of tasks, inter alia by redeploying resources from obsolete or underused budget lines, in order to enable more proactive action to be taken;

Competition authorities

32. Calls on the Member States to ensure the independence of all national competition authorities (NCAs) and sector regulators from national governments, making the nomination of non-political chairpersons and board members with no conflicts of interest essential; calls on the Member States to ensure that the staff and resources of NCAs and sector regulators are sufficient and vary according to market-derived needs and those of the effective performance of their duties;

33. Stresses the importance of full transparency of NCAs and sector regulators; requests that all relevant information on cases and official decisions be made clearly visible and accessible online through an open database, taking account of confidential commercial information that may have a significant influence on competition;

34. Supports the structured cooperation within the European Competition Network (ECN), which allows EU-wide coherence of public enforcement of competition rules and encourages its further development, given that some markets tend to have more national dimensions than others, due to different legal, economic and cultural conditions; believes that, as a general rule, the working programmes and conclusions of ECN meetings should be made public on the DG Competition website;

35. Believes that NCAs and other national sector regulators should continue to cooperate to ensure complementary action, particularly in sectors where liberalisation is not yet completed or fully operative; suggests the creation of a wider network for European regulators including NCAs and sector regulators for the exchange of best practices;

State aid and effects on the real economy***State aid to banks***

36. Acknowledges the important role played by State aid control since the beginning of the crisis as a restructuring and resolution mechanism for distressed banks;

37. Believes that State aid control during the crisis should focus on stabilising the banking system, tackling unfair segmentation of the credit conditions in the real economy as well as discrimination of SMEs and households in the single market; calls on the Commission, however, to ensure that the goal of stabilising the banking system does not lead to a further increase in public debt; urges the Commission to link the extension of temporary State aid to the banking sector with enhanced and more stringent conditions governing the focus to be placed on retail lending, and stronger restrictions and transparent rules on bonuses, fee structures and dividend distribution;

38. Recalls that it has urged the Commission to revise the rules on State aid to banks introduced in 2008 as temporary measures on several occasions; welcomes, therefore, the recent actions taken by the Commission in this field;

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39. Calls on the Commission regularly to provide detailed country- and organisation-specific statistics on the State aid granted to the financial sector since the onset of the crisis, on consolidated losses and on developments in the repayments made, and to publish the results on the Commission's website in order to ensure total transparency on the scale of public intervention since the beginning of the crisis and its impact on taxpayers;
40. Believes that accounting methods should be harmonised before any assessment is made of the amount of State aid to be given to banks, such that the accounting treatment of loans refinanced for the second time, for example, is the same regardless of the Member State concerned;
41. Stresses that, particularly in the case of banks receiving State aid, the refinancing of loans should take fully into account the viability of the receiver; considers that, in the case of multinational corporations, the selling of assets and shares in participated companies should be made a condition for loan refinancing;
42. Urges the Commission to monitor closely those markets in the banking sector where concentration is high or growing, in particular as a result of restructuring in response to the crisis; recalls that oligopolistic markets are particularly prone to anticompetitive practices; fears that this concentration may ultimately harm consumers; stresses that excessive concentration poses a risk for both the financial industry and the real economy;
43. Stresses that banking sector consolidation has increased the market share of several major financial institutions; urges the Commission to maintain a close watch on the sector in order to enhance competition and consumer protection in European banking markets, including in investment banking, where retail deposits are cross-subsidised with riskier investment banking activities;
44. Urges the Commission to carefully consider the range of assets and holdings of financial institutions prior to the dispensation of State aid;
45. Underlines the fact that depositors with up to EUR 100 000 in their bank accounts should be afforded maximum protection and be excluded from any burden-sharing arrangement resulting from bank restructuring or resolution;
46. Believes that the Commission should consider the possibility of State aid to banks sometimes being made conditional on credit being granted to SMEs;
47. Emphasises that 'SMEs have been disproportionately affected in their ability to access finance since the financial crises; points out that 'SMEs constitute 98 % of all euro area firms, employ around three-quarters of euro area employees, and generate around 60 % of value added, and that access to finance is preventing them from investing and growing; calls on the Commission, therefore, to prioritise measures which recalibrate financial regulation in order to promote growth and ease the funding crisis which SMEs' are going through;
48. Stresses that banks receiving State aid should not increase their size and complexity; urges the Commission to encourage them to focus their business model on the viable part of their activities, remuneration policy and fee structure and not to increase their exposure to public debt, especially if they are reducing the credit flow to SMEs and households at the same time; points out that a new, permanent regulatory system is necessary in order to tackle the flaws found in the pre-crisis legal system, in particular as regards the financial sector as well as to remedy distortions' created during the financial and economic crisis, and to ensure that priority attention is paid to the consequences and benefits for taxpayers, consumers and the single market as a whole when banks are receiving State aid;
49. Deplores that SMEs undergoing adjustment programmes in the Member States have difficulties in accessing credit from banks and are obliged to pay higher interest rates solely on account of their location in the eurozone, creating distortions in the single market;

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50. Stresses that external investors, too, should be encouraged to participate as much as possible in asset management companies (AMCs) created under State aid programmes as a means of separating impaired assets, to ensure that there is no conflict of interests between investors holding or transferring assets and the objectives of any given AMC;

51. Believes that AMCs should try to sell their assets as soon as possible in order to regain market normality and end public intervention in a specific sector;

52. Believes that DG COMP's experience in with regard to bank crises should be considered best practice and be used in the future as a means of prevention rather than for ex-post interventions;

State aid modernisation

53. Welcomes again the Commission's communication on State Aid Modernisation (COM(2012)0209) and the Council's recent adoption of revised State aid rules on block exemptions and procedures; calls on the Commission, however, to ensure that the stimulation of economic growth, as one of the overall aims of this reform, will not lead again to an increase in public debt;

54. Considers that companies should restructure in accordance with clear limits, keeping to a minimum any damaging effects for competitors which have not received support from public funding;

55. Calls on the Commission to examine at what point companies become too big to fail and to consider which measures can be taken at national or EU level to prevent companies becoming dependent on future government bailouts;

56. Notes the Commission's general intention to exempt more measures from the notification requirement; stresses, however, that Member States will have to ensure ex ante compliance with State aid rules of de minimis measures and block-exempted schemes to preserve a sufficient level of control while the Commission will continue to exercise ex post control of such cases;

57. Shares the Commission's view that State aid procedures need to be accelerated to allow more concentration on complicated cases with serious effects for competition on the internal market; notes the Commission's proposal to raise its level of discretion to decide how to deal with complaints; calls on the Commission to provide for detailed criteria on how to distinguish important from less important cases in this context; points out that higher thresholds in the de minimis regulation and the extension of the horizontal categories in the enabling regulation and the general block exemption regulation are appropriate ways of making this distinction;

58. Stresses that the Commission should ensure better exchanges with Members States in terms of quality and timeliness of submission of information and the 'preparation of notifications; underlines the fact that effective national systems must ensure that State aid measures exempted from ex ante notification obligations comply with Union law; points out higher thresholds in the de minimis regulation and the extension of the horizontal categories in the enabling regulation and the general block exemption regulation are appropriate ways of making this distinction;

59. Notes that until now relevant information for State aid control cases has been delivered exclusively by the Member States; reiterates its request that the Commission assess whether additional human resources will be needed to extend its information gathering tools and enable it to receive direct information from market participants; notes, however, that the Commission should not be able to include additional quality and efficiency considerations in the compatibility assessment and that these decisions must be left to the granting authority;

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60. Points to the lack of clarity in some Member States as to whether public funding to European Consumer Centres (ECCs) can be considered as unjustified State aid within the meaning of Union competition law; is concerned that this puts Member States' support to ECCs at risk and has already resulted in the temporary suspension of funding for ECCs; urges the Commission, therefore, to ensure the proper functioning of ECCs by clarifying as soon as possible that this type of funding does not qualify as State aid under the terms of Union law, given that ECCs do not engage in economic activities but ensure support services for consumers;

Transport sector

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

62. Calls on the Commission and the Member States to ensure open and fair competition in all transport modes;

63. Calls on the Commission to develop public transport networks with the aim of improving services for customers;

64. Urges the Commission, with a view to countering the continuing rise of CO₂ emissions, to devote particular attention to meet the international commitment to limit global warming to two degrees Celsius (°C) above pre-industrial levels, as set as a goal for 2020;

Rail

65. Urges the Commission to complete the implementation of the Single European Railway Area, ensure full transparency in the flows of money between infrastructure managers and railway undertakings, and verify that each Member State has a strong and independent national regulator;

66. Calls on the Commission and the Members States to increase their efforts in order to guarantee the opening of the railway transport sector to fair competition, as well as a better quality of services;

67. Calls on the Commission to study the possibility of adopting a legislative proposal for a European regulatory body that would cooperate with existing national regulators and act where they do not exist or, where appropriate, when they are inactive;

68. Stresses that the single market in the rail freight sector is affected by incorrect or incomplete transposition of EU law by Member States and by bottlenecks to cross-border mobility that harm competition and growth; calls on the Commission to verify whether market barriers put in place by operators or technical aspects that differ from one Member State to another, such as track gauges, energy supplies, signalling systems and other similar obstacles concerning the interoperability and accessibility of infrastructure, can be considered infringements of competition rules;

Aviation

69. Welcomes the intention of the Commission to revise the EU aviation and airport state aid guidelines by the end of 2013 which will have to eliminate any distortion of competition and establish a level playing field for all market participants;

70. Invites the Commission to provide a justified overview to ascertain which air carriers behave in an anti-competitive manner through undue use of special conditions or abuses of their dominant position in certain airports;

71. Encourages the Commission to investigate whether certain practices regarding the designation of specific hub airports — based on the terms of the over 1 000 bilateral air services agreements signed by Member States with non-EU countries — distort competition against European consumers' interests;

Automotive sector

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

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- the importance of combating discriminatory practices in the field of online distribution as governed by the Vertical Restraints Block Exemption Regulation (Commission Regulation (EU) No 330/2010), so as to safeguard the ability of distributors to use innovative distribution methods and to reach a greater number and spectrum of customers;
- the importance of dealers on the markets for the sale of new motor vehicles following the expiry of Commission Regulation (EC) No 1400/2002 on 31 May 2013;

asks the Commission to insist on the need to develop principles of good conduct between manufacturers and dealers with regard to vertical agreements in the motor vehicle sector, particularly with regard to the protection of investments after termination of a contract and the possibility of transferring a business to another member of the same brand network, in order to promote transparency in commercial and contractual relations between the parties;

Shipbuilding sector

73. Calls for efforts to be made to ensure the competitiveness of the European shipbuilding sector by promoting shipbuilding in the EU in the face of an increasingly competitive international environment;
74. Stresses the need to guarantee legal certainty and equal treatment for European shipowners in all the Member States;

Financial services sector

75. Calls on the Commission and the national regulatory authorities to investigate cases of possible collusion between companies and abuse of dominant positions on the motor vehicle insurance markets;

Energy sector

76. Notes that a single market for energy will not only result in lower prices for consumers but also increase the competitiveness of EU undertakings;
77. Welcomes the implementation of the Commission's anti-monopoly measures in the energy sector;
78. Urges the Commission to pursue the full implementation of the internal energy market package, given that an open and competitive single market in the energy sector has not yet been fully achieved; urges the Commission to be resolute in continuing the steps taken in light of the sector inquiry to bring competition rules to bear effectively on the energy sector; welcomes, in this connection, the ongoing competition law procedures in the energy sector, aimed at completing the internal energy market by 2014 and eliminating obstacles re-established by energy suppliers;
79. Considers that a single European energy market would lower the price of energy paid by consumers and businesses alike, and would strengthen the competitiveness of European business operators on a global scale; believes that, for this reason, the Commission should be encouraged to develop a single European energy market by 2014;
80. Stresses that it is vitally important that the Member States and the Commission ensure timely and correct implementation of existing legislation for the energy market, including the regulatory work called for by the Third Internal Energy Market Package, in order to achieve an integrated and competitive European internal energy market by 2014;
81. Asks the Commission to ensure that energy regulations and directives are transposed and applied correctly in all Member States; calls on the Commission to be particularly vigilant when prices reach above the EU-average, as high prices distort competition and harm consumers;
82. Believes that the Commission needs to be strict with the introduction of energy market reforms to reduce its prices, particularly in those Member States under the excessive deficit procedure;
83. Calls on the Commission and the national regulatory authorities to investigate cases of possible collusion between companies and abuse of dominant positions on the fuel retailing markets;
84. Welcomes in this connection the Commission's recent inquiries into the oil sector, acknowledging that a violation of competition rules in this area has massive implications for consumers;

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85. Calls on the Commission and national regulators to investigate whether the 'Monday effect' — an alleged manipulation of petrol prices by companies depending on the specific day of the week — is real; urges the Commission to closely monitor the level of competition since the three largest players still represent about 75 % (electricity) and above 60 % (gas) of the market despite the gradual opening of the markets in the mid-1990s; invites the Commission to issue guidelines in order to improve the access of renewable energy sources to the energy network;

86. Calls on the Commission to examine in its next annual report the extent to which the concentration of critical raw material suppliers may be harmful to the activity of client sectors and a more eco-efficient economy, given that some of these are of paramount importance to the deployment of the eco-efficient technologies needed to achieve environmental goals;

87. Emphasises the role of smart grids in allowing two-way communication between electricity producers and customers, and points out that smart grids can allow consumers to observe and adapt their electricity use; stresses that Member States should make this information available on websites for consumers and for all relevant actors, such as builders, architects and suppliers of heating, cooling and electricity equipment;

Payment services

88. Is concerned that the European market for electronic payments is still fragmented and that competition issues remain to be solved; acknowledges the two Commission proposals of 24 July 2013 on interchange fees for card-based payment transactions and on payment services in the internal market, on which it is currently working; is determined to find a satisfactory outcome to address the specific issues arising in this field;

89. Stresses that, despite the fact that the Late Payments Directive (2011/7/EU) was to be transposed into national law by March 2013, not all Member States have implemented it; notes that this is harmful to competition in the single market, and affects SMEs in particular;

Telecommunications

90. Urges the Commission to redouble its efforts in the telecommunications markets to help end their fragmentation and prevent abuses of dominant positions by operators with power in those markets; calls on it to ensure that the services provided by operators, and in particular internet access, are transparent, comparable and free of any contractual obstacles to competition;

91. Welcomes the Commission's support for the deployment of broadband infrastructure throughout Europe, which will generate economic competitiveness and social cohesion; wonders whether digital services in Europe can be classified as SGEIs;

92. Considers the contribution that competition policy has to make to the rolling-out of broadband services in the internal market to be of utmost importance in enabling a balance to be struck between public and private investment in order to meet the objectives of the Digital Agenda and ensure coverage in remote, rural and sparsely-populated areas of the EU;

New technologies and innovation

93. Stresses the overriding importance of 'essential patents' for innovation in the ICT sector and, in this respect, calls on the Commission to act swiftly to ensure that their holders grant fair, accessible and non-discriminatory licences to other operators to enable continued technical progress and the development of new products to the benefit of consumers; highlights the fact that competition policy should include tools to prevent the creation of artificial obstacles to interconnection, interoperability and the development of economies of scale in the markets;

94. Welcomes the progress made in the Commission's investigation of Google's anticompetitive practices and recent news of a possible settlement by spring 2014; urges the Commission to act decisively on all concerns that have been identified, and, as a priority, to take all the necessary measures to 'ensure fair competition in the online search and search advertising markets, given Google's dominance, with a market share of over 90 % in most Member States, and the possible abuse of this dominance;

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95. Urges the Commission to market test the new proposals put forward by Google in order to thoroughly assess their adequacy and impact; stresses, given the importance that search engines have in the digital economy, that the Commission must — in any event — ensure that Google fully commits to, and implements, solutions to address the four areas of concern raised by the Commission; calls on the Commission, if this cannot be achieved through a settlement, to promptly send a Statement of Objections to the search 'company';

96. Recalls that net neutrality is of the uttermost importance to ensure that there is no discrimination between internet services and that competition is fully guaranteed;

State aid to football

97. Welcomes the Commission's action opening investigations into the existence of State aid in football as such aid creates a distortion in the use of public resources;

98. Believes that the Commission should carefully study any loan or any refinancing of loans from banks that have received State aid directed to football clubs, particularly the loan rates compared to the average rate in lending and its size compared to the debt of the football club in question;

99. Urges the Commission to address in a structured manner the relationships between professional sports and competition policy, particularly non-payment of social charges, the meeting of tax obligations by football clubs and termination clauses;

The food chain

100. Welcomes the creation of the Food Task Force within DG COMP with the aim of monitoring developments in competition in the food chain and its impact on consumers, as well as the launch of a study into the retail sector; considers that the establishing of a balanced system of relationships in the food sector must not be done to the detriment of competition policy or by way of a purely commercial approach which fails to reflect that policy's basic principles;

101. Welcomes the actions of the Commission inspecting the supply of the white sugar market and looks forward to hearing the results of the investigation;

Social aspects

102. Notes that the principles of subsidiarity, democratic control and promoting the public interest are founding principles of the European Union;

103. Stresses that, in line with the general principles of the Treaties (non-discrimination, equal treatment, proportionality), the Member States and local authorities must be free to decide how social services of general interest (SSGIs) are financed and organised; draws attention, in this connection, to the Union's social objectives and to the need to promote the quality, accessibility and effectiveness of these services, irrespective of whether they are provided by public or private operators;

104. Notes that the Union is faced with major challenges in the fields of reindustrialisation, energy transition and digital equipment, which call for considerable investments; and that investments in education, training and up-skilling designed to counter youth unemployment complement, rather than contradict, the goals of competition policy;

105. Points out that competition policy should be implemented in accordance with Article 9 of the TFEU, which states that, in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment;

106. Is convinced that a social convergence policy can be implemented in close coherence with robust economic and competition policies;

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107. Takes the view that ensuring a level playing field for companies in the internal market also depends on combating social dumping, which should be regarded as an anticompetitive practice; believes that the Commission should look out for intra-EU dumping practices, whereby a firm, internationally or domestically, sells units below the production price to bankrupt one or more competitors; believes that the Commission should therefore strive towards upward convergence of Member States in terms of economic and social performance; underlines the need for structural reforms to include an overhaul of the taxation system in order to combat fraud, tax evasion and tax havens;

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

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P7_TA(2013)0577

Milk production in mountain areas, disadvantaged areas and outermost regions

European Parliament resolution of 11 December 2013 on maintaining milk production in mountain areas, disadvantaged areas and outermost regions after the expiry of the milk quota (2013/2097(INI))

(2016/C 468/15)

The European Parliament,

- having regard to Title III of the Treaty on the Functioning of the European Union concerning, in particular, agriculture,
 - having regard to Article 174(3) of the Treaty on the Functioning of the European Union concerning, in particular, mountain regions, and to Article 349 concerning outermost regions,
 - having regard to Regulation (EC) No 247/2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽¹⁾,
 - having regard to Regulation (EU) No 261/2012 ⁽²⁾ on ‘contractual relations in the milk and milk products sector’,
 - having regard to Regulation (EC) No 1234/2007 ⁽³⁾,
 - having regard to the Protocol on the implementation of the 1991 Alpine Convention in the field of mountain farming, Mountain Farming Protocol, published on 30 September 2006 in the Official Journal of the European Union ⁽⁴⁾,
 - having regard to the opinion of the Committee of the Regions NAT-V-028 of 30 May 2013 on the evolution of the market situation and the consequent conditions for smoothly phasing-out the milk quota system — second ‘soft landing’ report
 - having regard to the report from the Commission to the European Parliament and the Council entitled ‘Evolution of the market situation and the consequent conditions for smoothly phasing-out the milk quota system — second “soft landing” report’ (COM(2012)0741),
 - having regard to the study ‘Labelling of agricultural and food products of mountain farming’, commissioned by the Directorate General for Agriculture and Rural Development (administrative arrangement AGRI-2011-0460/JRC-IPTS No 32349-2011-10),
 - having regard to the study carried out by the Commission on ‘Economic impact of the abolition of the milk quota regime — regional analysis of the milk production in the EU’ of February 2009,
 - having regard to the study carried out by the Policy Department B (Structural and Cohesion Policies) on ‘the future of milk quota — different scenarios’ of January 2008,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0383/2013),
- A. whereas the expiry of milk quotas will affect the entire European milk market and particularly dairy farmers in mountain areas and outermost regions, where it will not be possible to take advantage of the growth opportunities generated by deregulation, due to the natural and permanent handicaps of these regions;

⁽¹⁾ OJ L 42, 14.2.2006, p. 1.

⁽²⁾ OJ L 94, 30.3.2012, p. 38.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

⁽⁴⁾ OJ L 271, 30.9.2006, p. 63.

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- B. whereas, according to Article 32 of Regulation (EU) No 1305/2013, areas north of the 62nd parallel and certain adjacent areas shall be regarded as mountain areas, and whereas the definition and status of the outermost regions is defined under Article 349 of the Treaty on the Functioning of the European Union;
- C. whereas the decisions made by young farmers in these areas about their future will depend on the size of the farms and their financial resources, taking into account the fact that farms which have recently invested in the quota system will, once the quotas are exhausted, face a more acute liquidity crisis and be under a greater financial burden;
- D. whereas there are serious cost disadvantages associated with milk production in mountain areas and in the outermost regions, owing to the locations involved and that given the additional constraints and, in particular, restrictions on land-use, farmers must be guaranteed economically viable and profitable work once quotas have expired;
- E. whereas the expiry of quotas may also place parts of other less favoured areas at a competitive disadvantage, endangering the sustainability of production in these areas, partly because production density is so low that collection and processing enterprises could relocate to more competitive areas where, in particular, the cost of milk collection is lower or the cost of transporting the products to market is lower;
- F. whereas one of the main objectives of the new CAP is to maintain productive agriculture in mountainous and less favoured areas or the outermost regions;
- G. whereas the costs of production, collection, transport and commercialisation of milk and dairy products outside the region of production are substantially higher in these areas than in more favourable locations;
- H. whereas the formation of producer associations can help to cut production costs and give dairy farmers greater bargaining power, particularly where the setting of milk prices is concerned;
- I. whereas existing framework conditions mean that it is often not possible to process dairy products close to where they are produced; notes the need to take infrastructure into account and to allow specific designations such as 'mountain produce' to be used for products which are processed within a certain distance of the mountain area concerned; considers it essential for this measure to be applied to all products made from milk from mountain areas;
- J. whereas in many of these areas milk production is the most important and most widespread sector of agricultural activity and is key to production of high-quality dairy products with EU-recognised designations; whereas it is important to maintain production bases in all territories of the Union in order to be able to supply each consumption region without incurring unreasonable transport and environmental costs;
- K. whereas in many Member States and regions, milk production is a key pillar of the regional economy and a key contributor to agricultural added value;
- L. whereas the development and promotion of high-quality dairy products is one possible way of addressing increased milk production;
- M. whereas in many regions, milk production is broadly the domain of small and medium-sized family farms;
- N. whereas 59 % of farmland in mountain areas is permanent grassland or dairy pastureland, no other agricultural activity generally being possible or viable; whereas 9,5 % of milk is produced in mountain areas; whereas orography and climate limit agricultural alternatives and agricultural diversity is very limited;
- O. whereas in some outermost regions there can be no substitute for milk production as one of the main motors of the economy, social stability environmental quality and land-use; whereas in these regions the POSEI programmes constitute the best instruments for channelling increased aid to maintain production levels;

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- P. whereas stockbreeding in these regions is not just an economic activity and a means of livelihood for their inhabitants, but also a key component of their traditional cultures and social structures, closely linked with the life and traditions of the local populations;
- Q. whereas, in mountain areas, outermost regions and parts of other less-favoured areas, the abandonment of stockbreeding and related dairy production frequently leads to the abandonment of agriculture, the neglect of good farmland and subsequent depopulation and migration from rural to urban areas;
- R. whereas, in these areas, agriculture frequently helps to conserve the landscape and biodiversity and limit natural hazards, making it a cornerstone of successful regional development, without which other sectors such as tourism are unable to grow; whereas the abandonment of farming in such areas is likely to have a severe knock-on effect on those sectors;
- S. whereas in many disadvantaged areas, milk production ensures economic and social cohesion, and this must not be put at risk by the expiry of quotas; whereas preservation of the agricultural landscape, the tourism industry, local production-processing-marketing circuits, jobs and long-term perspectives for young people must be safeguarded and promoted;
- T. whereas the removal of milk quotas will lead to Europe-wide competition amongst production regions; whereas product differentiation is vital to maintaining market access for mountain areas and for those outermost regions which produce milk or dairy products;
1. Notes that, in many Member States, direct payments from the first agricultural policy pillar are, even under the current CAP reform, based on historic reference amounts, which can seriously disadvantage grassland areas and milk production in these regions; calls on Member States affected by such situations accordingly to introduce without delay a system correct the disadvantage suffered by these regions when implementing agricultural reforms at national level;
2. Notes that mountain milk accounts for around 10 % of milk from the EU-27, but constitutes two thirds of milk production, involving three quarters of producers, in Austria, Slovenia and Finland, and that the corresponding figures also remain very significant in a further 10 or so countries; also notes that in most of these humid mountain regions and also in outermost regions, grasslands are mainly used as grazing for dairy herds, keeping landscapes accessible and inhabited and thereby benefiting tourism, biodiversity and the environment;
3. Takes the view that permanent grassland and pastureland, which can generally be used for no other purpose than cattle, sheep and goat breeding in these areas, must never be treated as inferior to other types of farmland for the purpose of calculating direct payments from the first pillar;
4. Considers it essential that a stock grazing premium be earmarked under the first pillar of the CAP and under the POSEI in the outermost regions for farms with grazing and forage areas for livestock; rejects any new requirements regarding the feeding of ruminants which might lead to a breakdown in existing agricultural practice;
5. Stresses the important role of coupled payments under the first agricultural policy pillar; points out that the Member States in these areas should be given additional possibilities to couple payments, whether national or EU-funded, as agreed in the current CAP reform;
6. Stresses the need for CAP provisions to give due attention to small farms in these areas, given that they are structurally more labour intensive, are obliged to pay higher prices for inputs and make a valuable contribution to sustaining employment levels and rural development;
7. Notes that the expiry of the milk quota in mountain areas and in the outermost regions must be evaluated separately, in light of the particular characteristics of such areas, if targeted measures to support and maintain production are to be drawn up;

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8. Given the irreplaceable nature of milk production in some outermost regions, the Commission and the Member States should, in these regions, use the POSEI programmes to strengthen support in the area of direct payments and market measures and the rural development programmes to strengthen support under the second pillar of the CAP;
9. Calls for additional measures to be made available as part of the development of the Common Strategic Framework, with the participation of the regional development programme, the European Social Fund and the Cohesion Fund; considers that the objective of the Common Strategic Framework should be to promote regional development concepts and structural preservation programmes focusing on safeguarding agriculture and strengthening the upstream and downstream value chain;
10. Calls on the Member States and regions to formulate, where applicable, a specific rural development programme for milk production in these areas;
11. Underlines, in this regard, the need to support the consolidation or establishment of projects which generate added value, differentiate products by territory and offer new strategies for enhancing mountain areas and the outermost regions; calls on the Commission to propose wide-ranging measures to support the establishment and running of these projects and related collective investments;
12. Calls on the Member States to take action against the disappearance of grassland and to take this into account in legislation on land-use planning;
13. Stresses that second-pillar measures such as compensation allowances, agro-environmental premiums, individual or collective investment aid for production, processing — without forgetting, in the case of the outermost regions (which are covered by the POSEI system), the possibility of having products considered essential for the transformation of regional agricultural production, particularly dairy products, included in the Special Regime Supply, with the objective of maintaining competitiveness —, and marketing, start-up aid for young farmers and aid to promote quality, diversification, innovation and cooperation (including with local authorities) are of great importance for sustainable milk production in these areas; therefore urges that Member States and regions be given the legal framework, the level of funding and the necessary opportunities to ensure the payment of adequate and clearly differentiated compensatory allowances and to promote environmentally friendly, sustainable and organic forms of agriculture; calls for adequate compensation payments from the second CAP pillar to offset the higher investment costs of milk production in mountain areas and outermost regions, occasioned by the particular nature of the terrain, the remoteness of these regions, the extreme fragmentation of plots and the geographical discontinuity of these islands;
14. Calls in addition for targeted investment aid, for example in connection with depreciation and interest on farm buildings and technology to be made available to dairy farms with development potential, in order to reduce production costs and improve the competitiveness of farms;
15. Calls on the Member States to promote, in particular, measures under the second pillar, such as cooperative ventures for the rational use of agricultural machinery or buildings;
16. Calls on the Commission to redefine a coherent rural and milk development programme for mountain areas and the outermost regions, for disadvantaged milk production areas and for Member States where most of the milk is produced by very small farms;
17. Points out that, given the substantial logistical problems existing with regard to transport and the generally small quantities of milk produced on individual farms, collection costs and finished product transport costs in mountain areas and outermost regions are particularly high, placing them at a major geographical and competitive disadvantage; calls for aid for processing plants, especially cooperative-owned plants, in order to offset the higher costs of collection and production, including inputs, and transport of the finished products in these areas, compared to more favourable locations;
18. Stresses that a milk production market monitoring tool (Milk Observatory) is needed in order to collect and disseminate data and information on production and supply, to provide early warning of the risks of market imbalances, taking into account the diversity of dairy products, and to carry out prospective short-term analysis in the context of price volatility with a view to fine-tuning the adjustment of milk volumes to market demand;

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19. Points out that in-situ processing and marketing on farms or in mountain pastures means greater added value for smallholdings and micro-farms in mountainous regions, outermost regions and other less-favoured areas and enhances the tourist potential of these locations; stresses that such initiatives should be funded under the second CAP pillar;
20. Emphasises that the considerable distance between the outermost regions and consumer markets creates the need for double storage, in line with modern logistical organisation; therefore urges the Commission to consider these storage facilities located outside the territory of the outermost regions as eligible within the framework of regulations concerning investment in these regions;
21. Considers that areas with alpine pastures and those areas of the outermost regions which produce milk are particularly in need of investment and specific measures to maintain or re-establish a suitable environment for the production, processing and sale of milk;
22. Points out that measures should be put in place to allow the production of typical products in an artisanal way;
23. Calls on the Commission and Member States, when drafting all legislation, to take into account the need to avoid excessive bureaucracy and keep health, labelling and compulsory information requirements within reasonable bounds, so as to ensure that they are feasible for small producers and processors;
24. Points out that small farmers in mountain areas and disadvantaged areas, such as those outermost regions which produce milk or dairy products, should be supported in establishing producer organisations which strengthen their bargaining power, as it is important for small-scale farmers in these areas that they maintain and develop more regionalised, local markets;
25. Stresses that hygiene and marketing rules need to be adjustable to the size of markets and their demands and that hygiene standards should therefore be suitable and applicable to farmers and milk processors in mountainous and disadvantaged areas and in the outermost regions;
26. Points out that stockbreeding methods aimed at efficient milk production are particularly cost-intensive on small farms; therefore calls for breeding to be promoted, so that dairy farms in these areas can breed their own high quality livestock in spite of this;
27. Takes the view that the formation of dairy producer organisations should be encouraged, in order to ensure adequate market access for all farms and to create partnerships for the promotion of agro-environmental tourism;
28. Points out that, in line with arrangements under the CMO for fruit and vegetables, producer organisations should be given the opportunity to create EU-funded operational programmes; in this context producer organisations should be given the opportunity to promote access to new markets, market development, quality control and product innovation and advertising initiatives, particularly in respect of the new 'mountain product' designation or other optional reserved terms which may be approved, protected designations of origin and other quality marks, and to foster the development of skills and crisis management measures;
29. Calls on the Commission and Member States to expand joint research programmes to encompass grassland areas and milk production in mountain areas, the outermost regions and other less favoured areas and to devote particular attention to them under joint research projects encouraging innovative solutions for these areas, bearing in mind the need to address the challenges of productivity and climate change; considers that this research should also seek to identify health benefits for consumers;
30. Calls on the Commission to closely follow the development of milk production in these areas and to review the economic impact of the expiry of milk quotas on dairy farms in these areas; asks the Commission to submit to the European Parliament and the Council a report addressing this issue by 2017, accompanied by a legislative proposal if milk production has decreased significantly in these regions;
31. Calls on the Commission to develop programmes in cooperation with producers, producers' associations and marketing bodies — based, for example, on the fundraising model — to reduce the impact of the anticipated rapid decline in milk prices;

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32. Calls on the Commission and Member States to implement the EU school milk programme more efficiently and, in particular, to allow calls to tender to refer specifically to milk from mountain areas designated as 'mountain produce'; also calls on the Member States to use short supply chains in the school milk programme, in order to stimulate local milk production and limit transport carbon emissions;
 33. Calls on the Commission, when drafting and implementing legislation in relation to the 'mountain produce' designation, to bear in mind the special characteristics of products with a protected designation of origin and covered by specific rules of origin, by considering the possibility of introducing flexible arrangements for mountain areas, which could, because of their specific disadvantages, such as the difficulties of producing fodder crops, be excluded from the schemes provided for under Regulation (EU) No 1151/2012, contradicting the aim of the regulation;
 34. Calls on the Commission and Member States to promote and support the incorporation into the production cycle of abandoned pastures, increasing grassland yields and the rational use thereof;
 35. Draws attention to the importance of measures to help young farmers and outermost regions start up in mountain areas, bearing in mind that the population in such areas is ageing at an above-average rate;
 36. Calls on the Member States to create the necessary framework to enable producers and processors in mountain areas and disadvantaged areas to access training courses and loans;
 37. Instructs its President to forward this resolution to the Council and the Commission.
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P7_TA(2013)0578

Resilience and disaster risk reduction in developing countries

European Parliament resolution of 11 December 2013 on the EU approach to resilience and disaster risk reduction in developing countries: learning from food security crises (2013/2110(INI))

(2016/C 468/16)

The European Parliament,

- having regard to Article 210 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the European Consensus on Development of 20 December 2005,
- having regard to the European Consensus on Humanitarian Aid of 18 December 2007,
- having regard to the Commission communication of 8 December 2010 entitled ‘The mid-term review of the European Consensus on Humanitarian Aid Action Plan — implementing effective, principled EU humanitarian action’ (COM(2010)0722),
- having regard to the Commission communication entitled ‘The EU approach to resilience: learning from food security crises’ of 3 October 2012 (COM(2012)0586) (hereinafter: 2012 Resilience Communication),
- having regard to the Commission staff working document entitled ‘Action plan for resilience in crisis-prone countries 2013-2020’ of 19 June 2013 (SWD(2013)0227),
- having regard to the Council conclusions on the EU approach to resilience of 28 May 2013,
- having regard to the Commission communication entitled ‘EU strategy for supporting disaster risk reduction in developing countries’ of 23 February 2009 (COM(2009)0084),
- having regard to the Commission staff working document entitled ‘Implementation plan of the EU strategy for supporting disaster risk reduction in developing countries 2011-2014’ of 16 February 2011 (SEC(2011)0215),
- having regard to the Council conclusions on an EU strategy for supporting disaster risk reduction in developing countries of 18 May 2009,
- having regard to the UN Hyogo Framework for Action 2005-2015, as adopted at the World Conference on Disaster Reduction in January 2005 in Hyogo, Japan, and endorsed by the UN General Assembly in its Resolution A/RES/60/195, and to its midterm review,
- having regard to the Commission communication entitled ‘Linking relief, rehabilitation and development — an assessment’ of 23 April 2001 (COM(2001)0153),
- having regard to the Commission communication entitled ‘Social protection in European Union development cooperation’ of 20 August 2012 (COM(2012)0446),
- having regard to its resolution of 21 September 2010 on the Commission communication: A Community approach on the prevention of natural and man-made disasters ⁽¹⁾,
- having regard to its resolution of 27 September 2011 entitled ‘Towards a stronger European disaster response: the role of civil protection and humanitarian assistance’ ⁽²⁾,

⁽¹⁾ OJ C 50 E, 21.2.2012, p. 30.

⁽²⁾ OJ C 56 E, 26.2.2013, p. 31.

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- having regard to the Commission communication entitled ‘A decent life for all: ending poverty and giving the world a sustainable future’ of 27 February 2013 (COM(2013)0092),
 - having regard to Commission communication entitled ‘Increasing the impact of EU development policy: an agenda for change’ of 13 October 2011 (COM(2011)0637) and to the Council conclusions thereon of 14 May 2012,
 - having regard to the New Deal for Engagement in Fragile States as set out in the Busan Partnership for Effective Development Cooperation adopted at the 5th High-Level Forum on Aid Effectiveness in Busan, South Korea, which took place from 29 November to 1 December 2011,
 - having regard to its resolution of 13 June 2013 on the Millennium Development Goals — defining the post-2015 framework ⁽¹⁾,
 - having regard to the Council conclusions on ‘The overarching post-2015 agenda’ of 25 June 2013,
 - having regard to the United Nations Conference on Sustainable Development — The future we want, which took place in June 2012 in Rio de Janeiro, Brazil (Rio+20), and in particular to its decisions related to disaster risk reduction,
 - having regard to the fourth session of the Global Platform for Disaster Risk Reduction, which took place from 19 to 23 May 2013 in Geneva, Switzerland,
 - having regard to the Commission communication entitled ‘Enhancing maternal and child nutrition in external assistance: an EU policy framework’ of 12 March 2013 (COM(2013)0141),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Development (A7-0375/2013),
- A. whereas the Commission defined resilience in its 2012 Resilience Communication as ‘the ability of an individual, a household, a community, a country or a region to withstand, to adapt, and to quickly recover from stresses and shocks’;
- B. whereas Disaster Risk Reduction (DRR) is a key component in achieving resilience; whereas DRR involves analysing and managing hazards in order to reduce vulnerability to disasters, and covers activities which support preparedness, prevention and mitigation at all levels from local to international;
- C. whereas linking relief, rehabilitation and development (LRRD) is an important tool in the resilience approach, which helps overcome the operational and funding gaps between the relief and the development phases;
- D. whereas the Hyogo Framework for Action is an invaluable instrument for advancing the DRR agenda worldwide and whereas it expires in 2015; whereas it is expected that the post-2015 framework for DRR will be adopted at the World Conference on Disaster Risk Reduction in Japan early in 2015;
- E. whereas the mid-term review of the European Consensus on Humanitarian Aid noted that progress has been made with DRR, but that further practical progress is essential;
- F. whereas, according to the UN, since 1992 4,4 billion people have been affected by disasters, USD 2 trillion worth of damage has been caused and 1,3 million people have been killed; whereas the cost of disaster loss was over USD 300 billion in 2011; whereas one dollar invested in disaster risk reduction in a crisis-prone area saves at least four dollars in relief and rehabilitation costs in the future, according to Asian Development Bank estimates;

⁽¹⁾ Texts adopted, P7_TA(2013)0283.

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- G. whereas the interconnected supply chains of today's globalised world mean that economic losses sustained in one region have global reverberations; it is estimated, for example, that the 2011 floods in Thailand set global industrial production back by 2,5 %;
- H. whereas the cost of disasters is increasing as climate change generates more severe weather-related events, in addition to rapid and inadequately managed urbanisation, population growth, land degradation and scarcity of natural resources; whereas food and nutrition crises are becoming more frequent in many regions of the developing world;
- I. whereas DRR and resilience efforts must be in addition to, rather than replacing, efforts by developed countries to reduce their contribution to climate change;
- J. whereas in times of financial consolidation there is a significant need to use resources effectively and efficiently; whereas funding for DRR needs to have a long-term perspective and should reflect real risks with a key focus on assisting those most vulnerable to shocks;
- K. whereas China has spent USD 3,15 billion on reducing the impact of floods, thereby averting losses estimated at USD 12 billion; whereas other examples of success include Bangladesh, Cuba, Vietnam and Madagascar, which have been able to reduce significantly the impact of meteorological hazards such as tropical storms and floods through improved early warning systems, disaster preparedness and other risk-reduction measures;
- L. whereas in most countries private-sector investment represents a high share of the overall investment and whereas national economic development and resilience to disasters depend on disaster-risk-sensitive investment by the private sector;
- M. whereas the UN predicts that the world's urban population will increase by 72 % by 2050, and that most urban growth will occur in less developed countries, thereby greatly increasing the number of people exposed to disaster risk;
- N. whereas disasters can contribute to a range of further problems such as extreme poverty, food insecurity and undernutrition;
- O. whereas unsustainable development planning and practices of the past have led to increased vulnerability to disasters for many populations; whereas disaster risk assessment needs to be a precondition for development planning and programmes;
- P. whereas lack of coordination between EU Member States and other donor countries in post-crisis situations reduces the impact of combined efforts; whereas increased donor coordination in both post-crisis situations and resilience-building efforts can generate significant savings and improved efficiency in development goals;
- Q. whereas the Global Assessment Report is now established as a credible global source for the analysis of hazard risks and vulnerability trends; whereas the lack of accurate disaster loss data nevertheless remains a major challenge;
- R. whereas regional integration leads to economic, political and social progress;
- S. whereas the practice of land transfer should be governed by a regulation to ensure that it does not cause harm to the rural population;

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EU approach to resilience

1. Welcomes the Commission's 2012 Resilience Communication and its objectives; encourages the Commission to actively pursue the proposals in the communication and to ensure that a long-term approach to resilience-building and DRR is developed further which includes both humanitarian and development streams and presents a clear link between the two;
2. Welcomes the Action Plan for Resilience in Crisis-Prone Countries 2013-2020 and its priorities; urges the Commission, together with the European External Action Service (EEAS), to implement its proposals and priorities and to ensure that consistent progress is made on achieving its objectives;
3. Is concerned that resilience, and more specifically DRR, are mentioned only briefly in the Council conclusions on 'The overarching post-2015 agenda'; believes that more emphasis needs to be placed on these issues in the post-2015 agenda;
4. Calls on the Commission to actively integrate resilience measures into both the humanitarian and the development sides of programming; stresses that there needs to be a stronger link between short-term humanitarian responses and longer-term development programming and that this should fit into the EU's overall resilience approach;
5. Considers that the main focus of the EU's resilience approach must be the most vulnerable, poorest and most marginalised populations, who have high exposure to risks, notably natural disasters, and little protection against such shocks, including slow-onset events; emphasises that a long-term resilience approach needs to target the root causes of risk vulnerability and to significantly reduce underlying risk factors;
6. Stresses that the EU's long-term resilience approach should address the deterioration of the ecosystem, particularly agriculture, water, biodiversity and fish resources, and calls on the EU to adopt a coherent policy to reduce vulnerability through its risk reduction strategy, which can be achieved by adopting sustainable agricultural production methods and systems, such as crop-rotation, agro-ecology, agro-forestry, organic agriculture and small-holder farming;
7. Calls on the Commission to target fragile and crisis-prone countries in its resilience agenda and to invest in strengthening local institutions in order to achieve stability and ensure that basic services are provided for vulnerable populations;
8. Stresses that the gap between the relief and the development phases can be overcome through LRRD, which seeks to ensure synergy between humanitarian and development work; takes the view that it is important to address in more detail transition strategies and parallel linkages between humanitarian aid and development cooperation, especially in disaster-prone countries, protracted crises and countries emerging from disasters;
9. Insists that disaster-prone countries should play a leading role and should be the main actor in defining their priorities and transition strategies from humanitarian aid to a long-term development strategy, as they are better placed to know the local reality, so as to define what is best for their own communities;
10. Stresses that climate change is exacerbating the underlying risk factors and therefore needs to be taken into account in resilience strategies, in particular climate adaptation;

Disaster risk reduction as an essential component of resilience

11. Stresses that investing in DRR measures in advance of disasters is far more cost-effective than funding disaster response after the event; therefore encourages further investment in DRR and resilience strategies in developing countries, particularly in the most vulnerable areas, and its inclusion in national development plans;

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12. Highlights that effective disaster response management takes into account the setting in place of a framework allowing for the immediate mobilisation of all necessary resources;
13. Stresses that DRR should be prioritised accordingly in future development programming and mainstreamed into development and humanitarian programming in all fragile and risk-prone countries;
14. Calls on the EU, its Member States and its partner countries' governments to improve and develop DRR strategies in developing countries by implementing risk assessment programmes and enhancing early warning systems, particularly in fragile and crisis-prone countries, by strengthening disaster preparedness with a view to effective responses at all levels and by supporting more sustainable development planning in partner countries;
15. Calls on partner countries to establish accounting systems capable of recording local losses and sharing information between the local and national levels for planning and statistical purposes; notes that a certain degree of standardisation may help to record losses better at regional level and thereby support regional cooperation;
16. Calls on the EU and its Member States, as well as on the partner countries to consider environmental sustainability and disaster risk management in programmes of land governance reform and land registration mechanisms;
17. Notes that DRR and climate change adaptation are interrelated issues and therefore calls on the Commission and all actors to further integrate DRR and climate change adaptation strategies such as, inter alia, existing National Adaption Programmes of Action (NAPAs) and to include them in the planning phase of the 11th EDF, to seek concrete financial support, for example through the implementation of the Global Climate Change Alliance and to coordinate efforts to harmonise these activities;
18. Supports a complementary and coherent approach to the MDG and DRR post-2015 frameworks; considers that the post-MDG and post-HFA (Hyogo framework for action) processes need to take account of the outcomes of the current frameworks and to address the experiences faced by those most affected by disasters and crises; reiterates that DRR, climate risk management and resilience need to be strongly integrated into the post-2015 framework;

Sustainable development, social protection and community resilience

19. Stresses that the resilience approach must bring sustainable benefits to the most vulnerable sections of society, particularly those living in extreme poverty, those living in informal settlements or slums and indigenous populations who are highly exposed to disaster risks;
20. Stresses that sustainable development must be seen as an essential element of DRR; recognises that long-term progress can only be made if underlying factors which make communities or individuals more vulnerable, such as poor environmental management, inadequate infrastructure, land degradation and poor urban planning, are addressed;
21. Understands that in developing countries, especially low-income countries, a large proportion of households living in a persistent state of poverty have very little or no social protection in general and are thus even more exposed when it comes to natural or man-made disasters; calls on the Commission to further promote social protection activities in its development cooperation programmes, with specific activities to improve state-owned systems, prevention measures and insurance for natural and man-made disasters;
22. Encourages increased attention to small-scale disasters as a key target in the resilience approach and enhanced visibility for the damage that small-scale disasters do to communities, and their impact on them;
23. Underlines the need to strengthen and develop education in the context of disasters and emergencies and to improve the dissemination, compilation and communication of information and knowledge that will help build community resilience and promote behavioural changes and a culture of disaster preparedness;

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24. Stresses the important role that local authorities and local and national civil society organisations can play in building resilience, particularly in fragile and crisis-prone countries, and encourages local authorities to develop, in consultation with local communities and civil society organisations, coherent and coordinated processes for the implementation of resilience strategies;

25. Highlights the fact that strong accountability mechanisms and monitoring should be established with the participation of local authorities, development partners, scientists, civil society, the media and the general public in order to enhance access to information and build awareness about the need for DRR strategies and resilience; calls for the regular collection of data, inter alia, meteorological data and data relating to harvest, livestock, the functioning of the markets, the nutritional condition of children and the poorest members of society, as well as data on existing DRR mechanisms and access to basic services; encourages the regular reporting and publishing of this data on publicly available platforms in order to facilitate access to information, early warning and improvement of the situation;

Learning from food security crises and previous disasters

26. Points out that disasters and emergencies are often followed by food crises and malnutrition among the affected populations, especially children; stresses also that food crises are disasters in themselves and that the resilience approach, which focuses on enhancing food security and nutrition, must be systematically incorporated into programming decisions;

27. Calls on the EU to draw lessons from its cooperation policy in the past decades and to put forward proposals to promote Policy Coherence for Development in practice by linking development aid and other EU policy areas such as agriculture, trade, taxation, climate change and investment;

28. Urges the Commission to integrate the issue of land grabbing into its policy dialogue with developing countries in order to make Policy Coherence the corner stone of development cooperation at national as well as international level and to avoid the expropriation of small farmers, the increased vulnerability of the poor in rural areas and the unsustainable use of land and water;

29. Notes that food and nutrition crises are becoming more frequent in the Sahel and Horn of Africa regions, where millions of people are without access to adequate food; points out that the 2011 Horn of Africa food crisis and the 2012 Sahel food crisis demonstrated that humanitarian assistance alone can neither break the cycle of chronic hunger and malnutrition nor address its root causes; stresses the importance of addressing the underlying causes of persistent food insecurity in these regions, namely poor access to appropriate basic services and education, acute poverty, inadequate support for small-scale agriculture and livestock keeping, land access problems, environmental degradation, rapid population growth, market failures, declining per capita food production and poor governance; stress that the underlying causes leading to food crises today are more complex than in the past, with, for example, market-related and prices shocks more frequent and more likely to affect poor people;

30. Notes that chronic food and nutrition insecurity is the first and most important factor of vulnerability to food crises, because it reduces people's capacity to prepare for risks, to withstand crises and to bounce back after them; notes also that chronic food and nutrition insecurity produces long-term negative effects that reduce human capital by stunting the growth of children and affecting societies' capacity to develop; recognises that high and highly volatile food price crises are costly and complex to address; points out that the resilience approach established by the Commission is going in the right direction to address the root causes of vulnerability, among the most important of which are chronic food and nutrition insecurity;

31. Is of the view that the EU Action Plan for Resilience should aim at implementing Policy Coherence for Development and address issues relating to food security and climate resilience by eliminating unsustainable practices such as the dumping of agricultural products and unfair trade rules; calls on the EU to address sustainable agriculture in a holistic manner at national and international level;

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32. Welcomes both the joint development-humanitarian approach and the regional approach in the EU initiative 'Supporting the Horn of Africa's Resilience' (SHARE) and in the EU-led Global Alliance for Resilience Initiative (AGIR) for the Sahel region; calls for even greater attention to be paid to these regions and for even better cooperation and coordination among national governments, international donors, civil society and the private sector in breaking down barriers between the development and the humanitarian approaches, between 'normal' and 'crisis' responses;

33. Calls for an effective approach to resilience, which must be multi-institutional, coordinated, comprehensive and systematic, and include a number of elements such as the provision of predictable and targeted social safety nets for the most vulnerable, which would not only ensure that households have immediate access to food during crises, but also guarantee fast recovery and resilience to future shocks; calls for the reduction of child undernutrition to be made central to resilience through coordinated national plans prioritising in particular children under two and pregnant women;

34. Notes that evidence from Niger, Burkina Faso and Mali indicates that low-cost agro-ecological techniques, particularly agro-forestry and soil and water conservation, have improved small-scale farmers' resilience to food insecurity; stresses, however, that agro-ecological agriculture alone cannot overcome the structural causes of food insecurity; calls for non-agricultural components to be incorporated into agricultural interventions and for it to be ensured that improved nutrition is an explicit objective of agricultural programmes; calls in addition for it to be ensured that women farmers also benefit from the programmes by making sure that the barriers created by gender inequalities (such as access to land, credit, extension services and input) are taken into account in the design of agricultural programmes;

Better coordination of efforts and improved funding methods

35. Points out that it is crucial for the Member States and EU institutions to coordinate their development and humanitarian activities better and to work together to make their aid more effective; points to the European Parliament's 'Cost of non-Europe in Development Policy' study of June 2013, which estimates that EUR 800 million could be saved annually in transaction costs if donors concentrated their aid efforts on fewer countries and activities, and that an extra EUR 8,4 billion in annual savings could be achieved through better cross-country allocation patterns;

36. Notes the important contribution of mobile small-scale livestock keepers in producing meat, milk and blood in areas which are ill-suited to other forms of agriculture; stresses the important role that they play in feeding communities as well as their positive contribution to food security and nutrition, as evidenced in arid and semi-arid lands demonstrating that children in pastoral areas tend to have better food security than those who are settled in cities and villages; calls therefore for the rights and needs of those pastoral populations to be taken into account when designing agricultural interventions and programmes;

37. Stresses the need to increase the capacity of small farms by promoting public-private investment, including by granting microcredit to women;

38. Takes the view that savings made by better donor coordination could, for example, be put to use in DRR activities and that these in turn would generate a significant return, thereby creating a virtuous circle;

39. Welcomes the Commission's proposal in the 2013 Action Plan for Resilience that an annual EU Resilience Forum should be held; looks upon this as an opportunity to coordinate resilience efforts among public institutions, including national parliaments and the European Parliament, the private sector, and NGOs and civil society, in order to make well coordinated progress on DRR and resilience, with all the actors working together;

40. Encourages increased collaboration between the public sector and the private sector on DRR and resilience; calls on the Commission to facilitate the involvement of the private sector by creating incentives and the right environment for private entities to share their expertise on building resilience and reducing risk; however, urges the Commission in this

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regard to draft a proposal that establishes rules on public-private partnership, including social and ecological impact assessments, to prevent, for example, the exacerbation of land-use conflicts or conflicts over access to water, particularly to protect smallholder farmers; encourages, furthermore, the offer of support to ACP countries for the purposes of scrutinising contracts with multinational investors; moreover, encourages the transparency of investments and investment objective targets, on platforms available to civil society;

41. Recommends increased collaboration with non-EU countries and international and regional institutions when it comes to disaster preparedness, as well as disaster response and reconstruction; supports a strengthening of cooperation between the Commission and the United Nations Office for Disaster Risk Reduction (UNISDR) with a view to improving the EU's action on DRR issues;

42. Emphasises that while the EU and international organisations can make progress on DRR and resilience in developing countries through their programmes, it is primarily the responsibility of national governments to ensure the safety of their citizens, and that partner countries therefore need to have a strong political commitment to supporting and implementing activities that enhance resilience and DRR;

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

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P7_TA(2013)0579

Women with disabilities

European Parliament resolution of 11 December 2013 on women with disabilities (2013/2065(INI))

(2016/C 468/17)

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union,
- having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD), and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) ⁽¹⁾, and in particular to Article 6 thereof on women and girls with disabilities,
- having regard to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 18 December 1979,
- having regard to the Community Charter of the Fundamental Social Rights of Workers,
- having regard to Articles 10, 19 and 168 of the Treaty on the Functioning of the European Union,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽²⁾,
- having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament's position thereon of 2 April 2009 ⁽³⁾,
- having regard to the Commission communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe' (COM(2010)0636) and to the documents in the accompanying Commission staff working document entitled 'Initial plan to implement the European Disability Strategy 2010-2020 — List of Actions 2010-2015' (SEC(2010)1323 and SEC(2010)1324),
- having regard to the Commission communication of 16 December 2010 entitled 'The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion' (COM(2010)0758),
- having regard to the Commission proposal of 3 December 2012 for a Directive of the European Parliament and of the Council on the accessibility of public sector bodies' websites (COM(2012)0721),
- having regard to Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities ⁽⁴⁾,
- having regard to the Council conclusions of 30 November 2009 on 'Promoting labour market inclusion — Recovering from the crisis and preparing for the post-2010 Lisbon Agenda',
- having regard to the Council Draft Resolution of 2 June 2010 on a new European Disability Framework (10173/2010) and the Council Resolution on the situation of persons with disabilities in the European Union (2008/C 75/01),

⁽¹⁾ OJ L 23, 27.1.2010, p. 35.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁾ OJ C 137 E, 27.5.2010, p. 68.

⁽⁴⁾ OJ L 167, 12.6.1998, p. 25.

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- having regard to the Commission's report on the functioning and effects of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (COM(2011)0166),
- having regard to the ruling of the European Court of Justice in Case C-13/05, regarding Directive 2000/78/EC — Equal treatment in employment and occupation — Concept of disability⁽¹⁾,
- having regard to its resolution of 17 June 1988 on sign languages for deaf people⁽²⁾,
- having regard to its resolution of 26 May 1989 on women and disability⁽³⁾,
- having regard to its resolution of 16 September 1992 on the rights of mentally disabled people⁽⁴⁾,
- having regard to its declaration of 14 December 1995 on the human rights of disabled people⁽⁵⁾,
- having regard to its resolution of 9 May 1996 on the rights of people with autism⁽⁶⁾,
- having regard to its position of 13 December 1996 entitled 'Parking card for disabled people — rights of disabled people'⁽⁷⁾,
- having regard to its resolution of 11 April 1997 on equality of opportunity for people with disabilities⁽⁸⁾,
- having regard to its resolution of 4 April 2001 entitled 'Towards a barrier-free Europe for people with disabilities'⁽⁹⁾,
- having regard to its resolution of 3 September 2003 on the Commission communication entitled 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities'⁽¹⁰⁾,
- having regard to its resolution of 24 April 2009 on the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto⁽¹¹⁾,
- having regard to its resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020⁽¹²⁾,
- having regard to its resolution of 8 March 2011 on reducing health inequalities in the EU⁽¹³⁾,
- having regard to the European Pact for Gender Equality 2011-2020,
- having regard to the Plan of Action on Gender Equality and Women's Empowerment 2010-2015,
- having regard to the Second Manifesto on the Rights of Women and Girls with Disabilities in the European Union ('A toolkit for activists and policymakers'),

⁽¹⁾ OJ C 224, 16.9.2006, p. 9.

⁽²⁾ OJ C 187, 18.7.1988, p. 236.

⁽³⁾ OJ C 158, 26.6.1989, p. 383.

⁽⁴⁾ OJ C 284, 2.11.1992, p. 49.

⁽⁵⁾ OJ C 17, 22.1.1996, p. 196.

⁽⁶⁾ OJ C 152, 27.5.1996, p. 87.

⁽⁷⁾ OJ C 20, 20.1.1997, p. 386.

⁽⁸⁾ OJ C 132, 28.4.1997, p. 313.

⁽⁹⁾ OJ C 21 E, 24.1.2002, p. 246.

⁽¹⁰⁾ OJ C 76 E, 25.3.2004, p. 231.

⁽¹¹⁾ OJ C 184 E, 8.7.2010, p. 111.

⁽¹²⁾ OJ C 131 E, 8.5.2013, p. 9.

⁽¹³⁾ OJ C 199 E, 7.7.2012, p. 25.

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- having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinions of the Committee on Development and the Committee on Employment and Social Affairs (A7-0329/2013),
- A. whereas 80 million people with disabilities living in the European Union are in significant need of an accessible and unprejudiced physical, intellectual and social environment, without barriers, obstacles or stereotypes hindering full enjoyment of their basic human rights and European citizenship; whereas of these 80 million people 46 million are women and girls, who make up 16 % of the total female population of the EU;
- B. whereas an estimated one billion people worldwide⁽¹⁾ live with disabilities and 80 % of them live in developing countries; whereas women with disabilities are multiply disadvantaged, facing significant difficulties in obtaining access to adequate housing, healthcare, public transport, education, vocational training and employment, experiencing inequality in access to credit and other productive resources, and rarely participating in decision-making processes;
- C. whereas the number of elderly people is increasing, which means that the number of people with disabilities, including women, will increase accordingly; whereas, according to the WHO, disability prevalence is higher among women and they are particularly affected by this phenomenon owing to their longer life expectancy, whereas, therefore, the number of women with disabilities will increase in greater proportion;
- D. whereas the increase in the number of people with disabilities will increase the burden on carers, and in particular on family carers, who are mainly women who are forced to work shorter hours and even to leave the labour market in order to care for dependent family members;
- E. whereas the full economic and social participation of women with disabilities is essential if the Europe 2020 strategy is to succeed in creating smart, sustainable and inclusive growth; whereas people with disabilities, women and girls included, must be given fair and equal possibilities and opportunities to participate in the social, economic and political life of the community; whereas people with disabilities still face a variety of barriers to full participation in society, often leading to social exclusion and poverty and limiting their full enjoyment of European citizenship;
- F. whereas discriminations can lead to social isolation and insulation, psychological trauma and unhappiness;
- G. whereas the basis for any association of democratic states is to facilitate the participation of all citizens, whether female or male, in the democratic processes (especially elections), to create, where it is lacking, the infrastructure for such participation, and, therefore, to promote the inclusion of women with disabilities;
- H. whereas all stakeholders shall ensure equal access of women and girls with disabilities to quality public healthcare services, e.g. by improving vocational training and lifelong learning for medical personnel with regard to their specific needs, including those related to sexual and reproductive health;
- I. whereas women with disabilities must enjoy the rights to education, health, employment, mobility, family life, sexual relations, marriage, and motherhood, and the safeguards guaranteeing those rights;
- J. whereas the representation in the public sphere of partnership, sexuality and maternity as experienced by women and girls with disabilities contributes to efforts to combat prejudice, persisting stereotypes and misinformation; whereas such representations can be made in a variety of ways, in particular using artistic and cultural means and the media;

⁽¹⁾ World Report on Disabilities 2011, produced jointly by the World Health Organisation and the World Bank.

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- K. whereas women and girls with disabilities are far more likely to be victims of violence, and particularly of domestic and sexual exploitation, and estimates show that women with disabilities are 1,5 to 10 times more likely to be abused than non-disabled women⁽¹⁾; whereas, depending on whether the women concerned live in the community or in institutions, specific measures must be taken to tackle this inexcusable phenomenon which constitutes a crime and a severe violation of human rights; whereas full access to support services for all women must be provided, because women and girls with disabilities suffer from greater emotional dependency, greater risk of falling victim to all forms of gender-based violence, lower levels of personal and social development, and widespread ignorance regarding sexuality and the innumerable and damaging myths surrounding this issue; whereas figures show that, as a result of increased poverty, sexual exploitation of women with disabilities has become more common;
- L. whereas women and girls with disabilities are exposed to multiple discrimination arising from gender inequalities, age, religion, ethnicity, cultural and social behaviour and disability stereotypes that need to be tackled; whereas women with disabilities are often discriminated against by comparison with men with disabilities when it comes to access to employment and education; whereas the Commission and the Member States can counter this phenomenon by implementing gender mainstreaming in all relevant areas of disability policy;
- M. whereas it is the responsibility of public authorities to set up specialised public services of a high standard, in order to provide women and girls with disabilities with an environment that is adapted in ways that can enable them to fully assume their rights and responsibilities and make decisions for themselves, thus gradually becoming more self-reliant, on an equal footing with people without disabilities; whereas the situation, infrastructure, legislation and support structures vary widely among Member States;
- N. whereas women and girls with disabilities can only enjoy equal rights if gender justice is realised, and if state administrations are as accessible to women with disabilities as to people without disabilities; notes, however, that gender equality practice and implementation vary widely within the EU;
- O. whereas the community of people with one or more physical, mental or intellectual disability is extremely heterogeneous and it is therefore necessary to ensure treatment according to individual needs;
- P. whereas the high rate of unemployment among people with disabilities remains unacceptable; whereas this puts those with disabilities, a vulnerable group more likely to suffer poverty, at a greater risk of social exclusion; whereas women and girls with disabilities encounter greater difficulties in entering the labour market, making it harder for them to lead ordered and independent lives; whereas employment is not only a source of income, but also has become a way of integrating into society by forging links with the wider world and creating a network of interpersonal relationships; whereas women and girls with disabilities often face underpayment; whereas barriers to mobility as well as higher dependence on family members and carers need to be overcome in order to encourage their active participation in education, the labour market and the social and economic life of the community;
- Q. whereas the more resources Member States invest in their integration, the more successful women with disabilities are in terms of living independent lives allowing them to develop their skills;
- R. whereas women with disabilities who come from more disadvantaged sections of society have had fewer opportunities to develop their skills and fulfil their potential by exercising self-reliance;
- S. whereas the economic crisis and the cuts in public health care and social services in most Member States are having detrimental consequences for vulnerable groups and in particular for women and girls with disabilities; whereas they were at great risk of poverty already before the crisis; whereas these austerity policies are translated into less special education and support personnel for people with disabilities, less social support for carers, lower welfare benefits for

⁽¹⁾ Human Rights Watch: Human Rights for Women and Children with Disabilities (2012), p. 5.

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people with disabilities, reduced funding for institutions and organisations which help them, and restrictions on their access to public-sector employment, all of which has had a severe impact on the lives of women with disabilities and on their prospects for independence;

- T. whereas there is a strong relationship between mobility, disability and social inclusion, especially with regard to freedom and access to communication (including Braille, sign languages and other alternative forms of communication), freedom of movement in all fields of life and access to services; whereas the full and active participation of disabled people in all aspects of society must be fostered, and they should be given greater access to information and communications technology, domestic automation and online communication solutions;
- U. whereas from the point of view of social inclusion and cost, it would be more desirable if the support provided by Member States were such that women with disabilities could continue to live with their families instead of being institutionalised;
1. Stresses the importance of inclusion for all EU citizens regardless of any physical, intellectual, psychosocial or mental impairments, and calls for special targets to be set to ensure this in order to improve the quality of life of people with disabilities and to enhance a coherent policy through the full participation of all; stresses that strategies, policies and legislative initiatives to ensure non-discrimination and equal opportunities must be drawn up with the active collaboration of all stakeholders involved, including women with disabilities;
 2. Insists that disability policies should be gender mainstreamed and underlines the importance of mainstreaming gender disability in gender policies, programmes and measures to strengthen the recognition and understanding of the intersectionality of gender and disability in the EU and in the Member States' legislation and policy; considers that women with disabilities should be invited to serve on the appropriate bodies as consultants, advisers, or experts; regrets the fact that the European Disability Strategy 2010-2020 does not include an integrated gender perspective or a separate chapter on gender-specific disability policies; regrets likewise that the Strategy for Equality between women and men 2010-2015 does not specifically address the issue of disability, despite the fact that women with disabilities often find they are at a greater disadvantage than men with disabilities and are more often at risk of poverty and social exclusion;
 3. Urges those Member States that have not yet ratified the UN Convention on the Rights of People with Disabilities and its Optional Protocol to do so in order that it may be fully implemented;
 4. Highlights the fact that numerous studies have shown that women with disabilities suffer double discrimination on grounds both of their gender and their disability, and emphasises that the overlap of such discrimination has particularly negative effects on women and girls with disabilities; calls on the Commission and the Member States, given the current lack of specific provisions, to incorporate provisions for women with disabilities in the social protection system;
 5. Reminds governments that discrimination on the grounds of disability is forbidden, and calls on the Member States to make more ambitious efforts to remove the remaining obstacles;
 6. Recalls that the inclusion and participation of women and girls with disabilities can only be achieved if their movement in a physical and social environment unhindered by barriers is facilitated, and calls for efforts to that end;
 7. Stresses the role played by self-help associations in bringing together people, and particularly women, who act as carers for disabled members of their family or close circle of friends, as well as the awareness-raising work carried out by these associations;
 8. Highlights the importance of optimising the use of EU funding instruments, particularly the Structural Funds, in order to promote accessibility and non-discrimination regarding persons with disabilities, paying particular attention to women, who often face multiple discrimination, and to action to increase the visibility of funding opportunities for measures of this kind in post-2013 programmes;

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9. Maintains that information about available services for citizens (education, health, justice, transport, dealings with the authorities, etc) has to be provided in every possible language, form, and format in a simple and secure way; points out that when services of this kind are offered in the form of telephone helplines or tele-assistance, those systems must also be accessible to women who are deaf or blind and deaf;

10. Insists that inclusion presupposes that stereotypes are countered by conveying positive images through the use of cultural expressions and awareness-raising campaigns making an objective presentation of images of women with disabilities and exhibiting the vast diversity of roles they can undertake in their everyday life in society, as well as by targeting particular depictions of disabilities in the public sphere, since this is precisely the area that is trailing behind; points out that the media play an important role in disseminating information about women with disabilities and should help bring about a change for the better in the public's attitude towards them, in keeping with the principles and values set out in the UN Convention on the Rights of Persons with Disabilities;

11. Calls on the Member States to consider sexual violence a serious crime liable to prosecution, especially in the case of women with disabilities and in particular with mental disabilities, in order to reduce the high incidence of reported rapes and sexual harassment and violence in large institutions;

12. Stresses that, in order to prevent the seclusion, abandonment, neglect and segregation of girls with disabilities, it is necessary to launch information campaigns for families, providing them with details of community support facilities for their care and future development and confuting sexist and discriminatory stereotypes; considers that, where children with disabilities cannot be cared for by their immediate families, the authorities should seek to ensure that, as an alternative, they can be cared for within their wider family entourage or, where this is not possible, provide them with community care in a family environment; observes that it is necessary to promote the fostering and adoption of children with disabilities by speeding up bureaucratic formalities and providing suitable information and assistance for the adoptive or foster families;

13. Proposes that, in the sphere of housing, architectural and other environmental considerations and measures must be taken into account in order to hasten a positive shift from 'design for special needs' to 'integral and inclusive design for all citizens'; notes at the same time, however, that the objective of ensuring unimpeded access and the adjustments necessary to achieve this should not be of an architectural nature alone, and that universal design intended in particular to cater for the basic daily needs of women with disabilities should be a firm objective and a reality; stresses the need to guarantee women with disabilities joint or individual access to social housing schemes and to provide them with grants for the removal of obstacles to their mobility within the home, a facility which should also be extended to those living in rented accommodation; reiterates, therefore, the importance of ensuring that people with disabilities have greater access to decent living conditions, whether this be in terms of housing, mobility, access to public and social services, or participation in public life;

14. Calls on the Commission and the Member States to boost barrier-free accessibility for women and girls with reduced mobility and disabled women and girls to the transport infrastructure, the vehicles and the information and reservation formats; notes that among public transport users with disabilities, women outnumber men; stresses, therefore, that disability and gender mainstreaming are essential with regard to transport policy formulation, implementation and assessment, so as to ensure equal opportunities and prevent discrimination against women with disabilities; therefore recommends their involvement, as being expert in the field, as transport policy consultants;

15. Points out that accessibility to the internet and social media must also be ensured (e.g. readability of all public websites for people with visual impairment, with solutions also focusing on other types of disability that are non-visual, such as the adapting of complex content to the needs of the intellectually disabled and incorporating sign-language videos enabling content to be understood); expresses its concern that accessibility for citizens to government agencies and e-governance is not yet fully ensured; maintains that all people with disabilities, including older people with hearing disabilities, whose number and proportion within society is, according to WHO estimates, especially on the rise, must be given access to digital literacy; welcomes, therefore, the Commission proposal for a directive on the accessibility of public sector bodies' websites;

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16. Stresses that democratic participation is part of the fundamental and civil rights of women with disabilities and must be facilitated and guaranteed; calls, therefore, on the Member States and on all relevant public authorities to provide adequately adapted facilities and to empower women's active involvement and participation;

17. Points out that the UN Convention promotes a 'support in decision making' human rights model based on the intrinsic equality and dignity of all people, as opposed to the obsolete system of 'substitution in decision-making'; therefore calls on the Member States to facilitate women with disabilities' representation in the decision-making process, in order to ensure that their interests and rights are protected;

18. Considers that women and girls with disabilities have the right to decide, as far as possible, over their own lives and needs, that they should be heard and consulted and should be actively encouraged to be independent as far as possible, and highlights the fact that these rights should also be guaranteed in specialised public institutions in an ordinary context of life; stresses that personal assistance is a means of their autonomous living and should therefore be facilitated and promoted for women with disabilities when they receive support in educational or vocational training institutions, at the workplace, within their families, and in the event of pregnancy and maternity;

19. Recalls that every step in a woman's life entails not only opportunities but also responsibilities and that in this sense women often have to endure a disproportionate burden in terms of pregnancy and childbearing when they have to face the negative implications of pregnancy, especially in cases when fathers neither assume their responsibilities nor contribute to their children's wellbeing and fate, having abandoned their families, recalling that in a family both parents should share the same responsibilities on a basis of equality unless they have previously mutually agreed otherwise;

20. Emphasises that women and girls with disabilities must be informed of their rights so that they can make decisions for themselves, with this information being conveyed in such a way that they can access and understand it, taking into account the different communication methods, media and formats chosen by them and, where applicable, the extent of their mental disability;

21. Notes that, for women and girls with disabilities in particular to receive proper care, there is a need in the medical sector for specific continuous and career-long training on the issue of mental illness/disabilities, in order that these ailments are better detected and patients suffering from these conditions are referred for treatment to the medical services specialising in this field; calls, therefore, on the Member States to ensure special training of all professionals dealing with people with disabilities, and emphasises that during their training health professionals and teachers need to be trained in and made aware of all types of disability, recalling that some are little-known despite their prevalence;

22. Notes that education and professional training for disabled people is being carried out in some of the Member States separately and deficiently; stresses the importance of integrating women with disabilities into standard education and professional systems in all cases where the disability allows for such integration;

23. Underlines the need to support disabled migrant girls and women in order to develop their skills and potential in vocational training and to give them opportunities to obtain suitable employment;

24. Notes that the various stages of a woman's life — pregnancy being one — entail specific challenges which have to be dealt with, and that when women with disabilities do so they should enjoy the same rights and opportunities as are offered to women without disabilities so as to avoid any discouragement from becoming pregnant; furthermore, bearing in mind the additional challenges faced by women with disabilities, stresses that they should be entitled to a longer period of maternity leave in order to adjust to their new situation and build a good family life; notes that forced sterilisation and coerced abortion are forms of violence against women and constitute forms of inhuman and degrading treatment that Member States must eradicate and strongly condemn;

25. Underlines that women and girls with disabilities must be allowed to enjoy their sexuality as freely as people without impairments, and considers that women with disabilities must be able to live and fulfil their wish either to have or not to have children, as women without disabilities do; stresses that for young girls, teenage girls and women with disabilities to take responsibility for their sexual behaviour, they need access to education on sexuality, given by professionals who are experts in the field, such as local public social services educators, and adapted where necessary to the intellectual ability of

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the disabled woman or girl concerned: they need to know and understand how the body functions (how pregnancy occurs and how to avoid it), how to say no to sexual practices they do not wish to engage in, how to avoid sexually transmitted diseases, etc; points to the need to provide specialised support, including childcare assistance, to women with disabilities, together with their families, in order that they may enjoy motherhood to the full; maintains that Member States should, in this case, take particularly into account the needs of women with an intellectual impairment;

26. Considers it vital for women and girls with disabilities to have complete access to medical care that meets their particular needs, including gynaecological consultation, medical examinations, family planning, and adapted support during pregnancy; urges the Member States to ensure that their national public healthcare provision includes proper access to these services;

27. Points out the importance of eradicating prejudice, negative perceptions and social stigmas and of encouraging social acceptance, social participation, respect and tolerance and the valuing of human diversity; encourages Member States, in particular, to run awareness-raising campaigns;

28. Stresses that violence against women and sexual violence constitute a serious breach of fundamental rights; underlines, in view of their extreme vulnerability, the need to protect women and girls with disabilities living in care homes and mental hospitals from sexual assault and other forms of physical mistreatment to which they may be subjected, and points with concern to the lack of data on this alarming phenomenon; invites the Member States to investigate how pervasive this problem is by encouraging women with disabilities who are victims to break their silence; encourages the collection of relevant data in a confidential manner, with a view to taking the appropriate measures needed to tackle the problem; calls on the European Institute for Gender Equality to carry out studies on the situation of girls and women with disabilities in regard to violence;

29. Calls on the Member States to prevent harassment in the workplace through effective harassment protocols in accordance with the application of Directive 2000/78/EC, in order to reduce the high frequency of rape and cases of sexual harassment and violence, as well as forced sterilisations, in particular in large institutions;

30. Stresses that in many developing countries significant barriers still exist to escaping violence, to reporting such crimes, and to accessing justice and legal and social services;

31. Calls on the EU and the Member States to take all appropriate legislative, administrative, social and educational measures to protect women and girls with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse and to facilitate their access to justice through the provision of suitable community-based assistance and support, taking into consideration their specific needs, including assistive devices, in order to avoid isolation and confinement in the home; believes that additionally, all such services and programmes should be closely monitored by independent authorities; regrets that EU and national legislation to prevent exploitation, violence and abuse often lacks a focus on disability;

32. Urges the Commission to launch a comprehensive strategy to fight violence against women, as requested by Parliament in several resolutions and most recently in its resolution of 5 April 2011 on priorities and outline of the new EU policy framework to fight violence against women⁽¹⁾; reiterates the need for the Commission to present a legislative criminal law instrument to combat gender-based violence, including the protection of rights of disabled women in cases of sexual abuse and violence, both in public and within their home environment;

33. Emphasises that women with disabilities have to be guaranteed affordable, easy and safe access to justice and that they need to be able, at each stage of the process, to use the verbal communication support systems and technologies they choose, including sign-language interpreters or guides-interpreters for deaf-blind people, in order to ensure they can communicate correctly with police and legal personnel; stresses that as many women with disabilities are highly dependent on the person caring for them, who is also in very many cases the person assaulting and abusing them, independent

⁽¹⁾ OJ C 296 E, 2.10.2012, p. 26.

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methods of communication need to be provided so that opportunities exist for disabled women who have been assaulted to file a complaint and be transferred immediately to a temporary full-time care centre until the complaint has been resolved through due legal process; proposes the introduction of trial procedures specifically tailored to meet the needs of women and girls with disabilities, including the provision of NGO assistance; underscores that no barriers may hinder the access of women with disabilities to legal recourse; points out in this respect that effective measures need to be taken so that women with disabilities can access the support they may need in exercising their legal capacity — support that, when required, must be in proportion to their personal needs and abilities, in regard to taking decisions concerning civil and political rights; points out that appropriate effective safeguard measures such as impartial assessment of women's genuine needs by recognised independent experts are also needed in order to prevent third parties or institutions taking advantage of disabled women in the exercise of their legal capacity, and that these measures should be periodically reviewed;

34. Stresses that any sterilisation agreement entered into by a woman or girl with disabilities must be voluntary and must be examined by an impartial third party charged with verifying that the decision was reached fairly and, in the absence of severe medical indications, without enforcement; further stresses that contraceptive methods must never be administered, nor a pregnancy legally terminated, against the will of a woman or girl with disabilities; believes that women and girls with disabilities must have the right to give their informed consent to and to understand all medical practices; considers that if a woman or girl with disabilities is incapable of giving her consent, then consent must always be based on respect for human rights; urges the Member States to prevent and condemn cases of forced sterilisation of women with disabilities;

35. Notes that the terminology used to describe physical impairments and disabilities is different and that the focus should be on disabilities instead of impairments in medical terms, in accordance with the approach chosen in the UN Convention on the Rights of Persons with Disabilities and followed by the European Court of Justice; stresses that employers should focus on the skills and abilities of employees or applicants with disabilities;

36. Invites the Member States to encourage and ensure access to all types of formal, informal and lifelong education and to the labour market for women and girls with disabilities, as they should be encouraged to follow study courses and use new information and communication technologies, and supported and encouraged to enter the labour market, and highlights that particular talents, views and experiences can enrich working environments considerably; urges the Member States to provide training and information to teachers, trainers, senior civil servants, and employers with a view to implementing social integration processes aimed at utilising the potential and added value of women with disabilities; proposes effective use of the European Social Fund so as to improve the levels of inclusion of women and girls with disabilities in all important areas of life such as access to the labour market, as well as in reducing youth unemployment and poverty;

37. Calls on the Member States to review their legislative and policy framework in respect of the participation of women with disabilities and women with intellectual impairments and mental disabilities in the labour market; stresses the need to adopt active labour-market policy measures for women with disabilities, which offer choices for the individual, including flexible, part-time and full-time employment, and to consider the possibility of stimulating small and medium-sized enterprises (SMEs) through financial incentives and other support for better reconciliation of professional and private life; stresses that women with disabilities should have equal access to financing for the creation of small enterprises and other forms of self-employment, as well as the right to choose between different forms of employment; encourages Member States to draw on best practices around Europe; calls on employers to make reasonable adjustments to workplaces and working conditions in order to place a greater focus on providing incentives for disabled people and actively including them in the labour market, with the possibility for individual cases of discrimination to be heard at labour courts in accordance with Article 5 of Directive 2000/78/EC;

38. Notes that current education and training systems do not in general manage to prevent a high dropout rate among people with disabilities, and encourages Member States to pay special attention to boys and girls with disabilities or special needs in an educational context, in order to improve their integration and help reduce the school dropout rate to less than 10 %;

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39. Urges the Member States to provide the necessary funding and support for associations and organisations representing people with disabilities, which play a key role in promoting their rights and emphasising the value of their active citizenship and participation in society;

40. Urges the Member States to provide the necessary specialised support to the families of women with disabilities, in the form of training and assistance for carers at every possible level, and to set up respite care institutions enabling people with disabilities to be looked after temporarily whenever families might need such a service;

41. Underlines the existing inequalities among infrastructure facilities of Member States for people with disabilities, stressing the need for mobility within the EU to be guaranteed for women and girls with disabilities, everywhere, and that the Member State of destination must provide such women with the special facilities to which they are entitled, on an equal footing with other people with disabilities;

42. Deplores the fact that the Council has not yet finalised its work on the draft Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, despite Parliament's position given in 2009; calls on the Council to ensure that this legislation is adopted by the end of the current parliamentary term;

43. Emphasises that people with disabilities, and women in particular, are far more likely to slip into poverty (according to the OECD, roughly every fourth person with disabilities lives in poverty); urges the Member States to take adequate measures to prevent women and girls with disabilities from slipping into poverty, and to guarantee that they receive disability allowances and entitlements and have access to social and health services, by devising national appropriate programmes and ensuring their effective implementation through continuous monitoring and evaluation; notes that the danger of poverty and unemployment is particularly serious when it comes to single mothers with disabled children; points out that the promotion of gender equality and equal opportunities and the fight against the discrimination suffered by children with disabilities and their families constitute a tool which can be used to combat stigmatisation, poverty and social exclusion, and that the link between disability, gender and poverty should be taken into account in all policies to combat poverty and social exclusion;

44. Calls for public health systems to class vulnerable groups as users with special needs and to be equipped with the resources and referral facilities required in order to deliver proper care;

45. Calls for elderly women, who often live alone and are confronted with diseases that bring about disability, to receive special attention through the setting-up of a prevention and assistance programme;

46. Stresses that the introduction of austerity measures in many countries has led to the reduction of welfare benefits and essential services and that, in this regard, women with disabilities are a particularly vulnerable group; stresses also that cutting funding for disabled people and their carers — who are often women — will adversely affect the educational, social and economic needs of women with family responsibilities; therefore calls on the Member States to adopt measures aimed at removing all barriers to efficient, accessible, high-quality and affordable services for women with disabilities;

47. Points out that the lack of affordable, accessible and high-quality care and assistance services for people with disabilities in most Member States, and the fact that care work is not equally shared between women and men, have a direct negative impact on women's ability to participate in all aspects of social, economic, cultural and political life; in this respect insists that special attention be paid to people, often women, caring for people with disabilities and that their commitment be taken into account in accrediting their professional experience also stresses the need to encourage Member States to recognise, in their social security systems and when people retire, the involvement and unpaid work of the carers, generally women, of people with disabilities; stresses that particular attention needs to be paid to these women to ensure that they receive a proper salary and retirement pension; therefore calls on the Commission to come up with a legislative proposal on carers' leave (or filial leave) that allows people to take a period of leave to take care of ill, disabled or impaired family members and/or to stay in employment when taking leave in order to care for dependant family members;

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48. Asks the Commission and the Member States to develop large-scale awareness-raising campaigns to make women and girls with disabilities more visible, and highlights the valuable role that mass media and the internet can play in constructing a positive image of women with disabilities and encouraging them to assert their rights;
49. Believes it is vital that Member States ensure that women and girls with disabilities enjoy equality before the law and are entitled to equality of legal protection and legal benefits, free from discrimination of any kind; believes that all discrimination on grounds of disability and gender must be banned, taking into consideration the fact that the confluence of these two factors has an exponential impact on inequality;
50. Urges the Commission, in conducting the mid-term review of its European Disability Strategy 2010-2020 and elaborating the List of Actions 2015-2020 relating thereto, to develop a more gender-sensitive approach;
51. Reiterates that Community policies on disability need to take account of gender equality from the very start, so that inequalities that already exist are not continued or increased during policy development; stresses the need to establish indicators that reflect disability and gender aspects jointly; believes that the lack of indicators makes it difficult to obtain an accurate picture of the situation facing women with disabilities; calls on the Commission to invite women and girls who have disabilities to participate in future studies on women and disability;
52. Calls on the Commission, the Council and the Member States to adopt a horizontal anti-discrimination directive aimed at removing, in all areas of EU competence, the barriers which prevent disabled people, and especially disabled women and girls, from achieving their full potential for social participation and independence;
53. Invites the Member States to support voluntary initiatives supporting human diversity and to provide adequate funding for NGOs dealing with the issue;
54. Calls on the Commission and the Member States to collect detailed and reliable gender- disaggregated statistics for targeted research on the true situation facing people with disabilities, this being imperative for efficient policy design in order to address the intersectionality between gender, disability and violence; believes that women with disabilities should be involved in the collection of such data; also considers that all studies on people with disabilities need to take the gender aspect into account, and studies on women and girls need likewise to take the disability aspect into account;
55. Stresses that diversity enriches society;
56. Notes that human dignity is inviolable and must be respected and protected;
57. Stresses the importance of adopting a gender-sensitive approach to disability in the post-2015 development agenda;
58. Calls on the Commission and the EEAS to mainstream disability in development policy and in projects in a coordinated way, and to promote a comprehensive poverty reduction strategy in the geographic programmes for women with disabilities, aiming to unlock their economic potential; stresses that land reform must ensure gender equality in land ownership, including for women with disabilities;
59. Asks the Commission and the EEAS to put in place monitoring mechanisms to evaluate the impact of their policies on women with disabilities at country level; calls on the EU to support the efforts of partner countries in drafting and implementing employment laws, in compliance with the CRPD and ILO Convention 159;
60. Calls on the Commission to promote initiatives aiming to strengthen the capacity of stakeholders to effectively implement international commitments to disability-inclusive development, in line with the objectives of the CRPD; recommends that the EU promote the participation of disabled people's organisations in international and national decision-making processes;
61. Points out that hazardous situations and humanitarian crises adversely affect the safety and security of women and girls with disabilities, reducing considerably their chances of survival; emphasises that women and girls with disabilities are more vulnerable than other people before, during and after the occurrence of hazardous situations such as armed conflicts, occupation of territory, natural disasters and humanitarian crises; stresses that national and international agencies responsible for public health, disaster preparedness, emergency help and humanitarian aid need to be made aware of the

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rights and specific needs of women and girls with disabilities and of the need to have the human and material resources available to ensure that women and girls with disabilities benefit from universal access and equal opportunities in hazardous and emergency situations, thereby avoiding lack of care and/or unsuitable actions;

62. Emphasises that the EU and its Member States must recognise the importance of promoting international cooperation in order to support national efforts to enforce the right of women and girls with disabilities to benefit fully and on equal terms from all its fundamental rights and freedoms; stresses that international cooperation programmes must be inclusive in regard to women and girls with disabilities, for which reason organisations representing them (mixed or specific) need to be directly involved in the design, development, monitoring and evaluation of cooperation policies implemented at local, national, Community and international level, through the sharing and distribution of information, experience, training programmes and best practice;

63. Emphasises that the EU and its Member States need to promote the inclusion of gender and disability as a cross-cutting dimension in their development cooperation policies, programmes and projects, thereby ensuring that specific projects are devised that promote equal opportunities for people, and in particular women and girls, with disabilities; stresses that the Commission, Parliament, the UN, the specialist agencies and all other international, national and local donor agencies need to make funding for programmes targeting women and girls with disabilities one of their priorities, allocating funds to this in their general programmes and awarding funding to programmes or programme components that target women and girls with disabilities; considers that the EU must include the rights of women and girls with disabilities in its bilateral cooperation and in long-term third-country cooperation with local authorities, offering direct economic support through its multilateral development cooperation policies by means of financial contributions to international organisations, through co-funding with NGOs in the EU and elsewhere in the world, and through policies connected with humanitarian aid;

64. Stresses the importance of encouraging the active involvement of women with disabilities in Europe, through the organisations representing them (especially the European Disability Forum, the European Women's Lobby and their respective national member organisations), in the monitoring of international human rights treaties, supplying relevant information in alternative reports which cross-reference the situation of women and girls with disabilities with their fundamental rights and freedoms;

65. Believes it is essential to ensure that the periodic reports by the EU and its Member States under human rights treaties contain information in relation to each right on women and girls with disabilities, including the current situation de facto and de jure and information on measures to improve their situation and on the difficulties and obstacles they have encountered, especially in rural areas; believes this practice must be extended to all institutions working for the defence of human rights, both within the EU and nationally, including organisations representing people with disabilities and their families, women in general and women with disabilities;

66. Believes that with regard to changing the situation of women and girls with disabilities, one of the main challenges lies in including disability in all programmes, measures and policies on gender, as well as devising and developing positive action measures to achieve progress for them, given that they are at a disadvantage;

67. Instructs its President to forward this resolution to the Council, the Commission, to the Council of Europe and the UN Secretary-General.

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P7_TA(2013)0580

European retail action plan for the benefit of all actors

European Parliament resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors (2013/2093(INI))

(2016/C 468/18)

The European Parliament,

- having regard to the Commission Communication of 31 January 2013 entitled ‘Setting up a European Retail Action Plan’ (COM(2013)0036),
- having regard to the Commission Green Paper of 31 January 2013 on ‘Unfair trading practices in the business-to-business food and non-food supply chain in Europe’ (COM(2013)0037),
- having regard to the Commission Report of 5 July 2010 entitled ‘Retail market monitoring report — Towards more efficient and fairer retail services in the internal market for 2020’ (COM(2010)0355),
- having regard to its resolution of 5 July 2011 on a more efficient and fairer retail market ⁽¹⁾,
- having regard to the Commission Communication of 22 May 2012 entitled ‘A European Consumer Agenda — Boosting confidence and growth’ (COM(2012)0225),
- having regard to its resolution of 11 June 2013 on a new agenda for European Consumer Policy ⁽²⁾,
- having regard to the Commission Staff Working Document of 29 May 2012 entitled ‘Consumer Conditions Scoreboard — Consumers at home in the single market: Monitoring the integration of the retail single market and consumer conditions in the Member States’ (SWD(2012)0165),
- having regard to the Commission Communication of 27 November 2012 entitled ‘Protecting businesses against misleading marketing practices and ensuring effective enforcement — Review of Directive 2006/114/EC concerning misleading and comparative advertising’ (COM(2012)0702),
- having regard to its resolution of 22 October 2013 on misleading advertisement practices ⁽³⁾,
- having regard to the work of the High Level Forum for a Better-Functioning Food Supply Chain and of the Expert Platform on B2B Contractual Practices,
- having regard to the Commission Consultation Document of 4 July 2013 entitled ‘Consultation of Social Partners under Article 154 TFEU on enhancing EU cooperation in the prevention and deterrence of undeclared work’ (C(2013)4145),
- having regard to the Commission Communication of 28 October 2009 entitled ‘A better functioning food supply chain in Europe’ (COM(2009)0591),
- having regard to its resolution of 7 September 2010 on fair revenues for farmers: a better functioning food supply chain in Europe ⁽⁴⁾,

⁽¹⁾ OJ C 33 E, 5.2.2013, p. 9.

⁽²⁾ Texts adopted, P7_TA(2013)0239.

⁽³⁾ Texts adopted, P7_TA(2013)0436.

⁽⁴⁾ OJ C 308 E, 20.10.2011, p. 22.

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- having regard to its declaration of 19 February 2008 on investigating and remedying abuse of power by large supermarkets operating in the European Union ⁽¹⁾,
 - having regard to the Commission Communication of 11 January 2012 entitled ‘A coherent framework for building trust in the digital single market for e-commerce and online services’ (COM(2011)0942),
 - having regard to its resolutions of 11 December 2012 ⁽²⁾ and 4 July 2013 ⁽³⁾ on completing the digital single market,
 - having regard to the European Economic and Social Committee’s opinion of 10 July 2013 on the Commission Communication on ‘Setting up a European retail action plan’ ⁽⁴⁾,
 - having regard to the European Economic and Social Committee’s opinion of 11 July 2013 on the Commission Green Paper on ‘Unfair trading practices in the business-to-business food and non-food supply chain in Europe’ ⁽⁵⁾,
 - having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights ⁽⁶⁾,
 - having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁷⁾, and Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers ⁽⁸⁾,
 - having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising ⁽⁹⁾,
 - having regard to Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions ⁽¹⁰⁾,
 - having regard to Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market ⁽¹¹⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Employment and Social Affairs (A7-0374/2013),
- A. whereas the importance of the retail market can hardly be over-estimated, since it represents 11 % of EU GDP and delivers more than 15 % of all jobs in Europe, including both skilled and unskilled labour, and contributes to the social fabric of society;
- B. whereas the strategic importance of the retail sector has to be fully recognised as a driver for growth, employment, competitiveness and innovation, as well as for the strengthening of the European single market;
- C. whereas in a society increasingly marked by virtual contacts through the internet, shops are still the place where people meet other people, and high streets and town centres in particular, as well as direct selling by producers, can provide a setting for shared experiences, and serve as a focal point of local identity, community pride, a common heritage and shared values; whereas, nevertheless, e-commerce and brick-and-mortar shops do not exclude each other but are, in fact, complementary;

⁽¹⁾ OJ C 184 E, 6.8.2009, p. 23.

⁽²⁾ Texts adopted, P7_TA(2012)0468.

⁽³⁾ Texts adopted, P7_TA(2013)0327.

⁽⁴⁾ <http://www.eesc.europa.eu/?i=portal.en.int-opinions.26063>.

⁽⁵⁾ <http://www.eesc.europa.eu/?i=portal.en.int-opinions.26065>.

⁽⁶⁾ OJ L 304, 22.11.2011, p. 64.

⁽⁷⁾ OJ L 109, 6.5.2000, p. 29.

⁽⁸⁾ OJ L 304, 22.11.2011, p. 18.

⁽⁹⁾ OJ L 376, 27.12.2006, p. 21.

⁽¹⁰⁾ OJ L 48, 23.2.2011, p. 1.

⁽¹¹⁾ OJ L 319, 5.12.2007, p. 1.

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- D. whereas the current economic crisis is taking a heavy toll on retail, affecting in particular smaller, independent shops;
- E. whereas unfair trading practices (UTPs) continue to exist and negatively affect the entire supply chain, including farmers and SMEs; whereas UTPs also impact negatively on consumer interests as well as on growth and job creation;
1. Welcomes the setting-up by the Commission of a European Retail Action Plan;
 2. States that the Action Plan should have paid more attention to the effects of the current economic crisis on retail and, in particular, on smaller, independent shops;
 3. Welcomes the Commission's intention to create a permanent Group on Retail Competitiveness, but emphasises the importance of balanced representation, including, inter alia, of both big and small retailers, suppliers, co-operatives and consumer, environmental and social interest groups; calls on the Commission to take a holistic approach to retail, avoiding duplication and extra bureaucracy, and to ensure coherence and close co-ordination with other existing fora, such as the yearly Retail Market Roundtable;
 4. Welcomes the Commission's establishment of the High Level Expert Group on Retail Sector Innovation and calls on the Commission to swiftly review the forthcoming recommendations by the group in order to further promote entrepreneurship, stimulate innovation and create jobs and growth in Europe;
 5. Supports the Retail Market Roundtable, organised by the Committee on the Internal Market and Consumer Protection, as the institutional forum aimed at keeping retail high on the EU political agenda, to review progress in the implementation of relevant aspects of the Retail Action Plan, to report on the work of the permanent Group on Retail Competitiveness and to update on progress made in other existing platforms and informal dialogue mechanisms; asks the permanent Group on Retail Competitiveness to work closely with Parliament to organise the annual Retail Market Roundtable;
 6. Urges Member States not to take measures in the context of austerity policies which undermine consumer confidence and directly harm the interests of the retail sector, such as increasing VAT, reclassifying products and product rates or raising charges for shops; reiterates the importance of improving access to finance, in particular for retail and wholesale trade SMEs; welcomes in this regard the 2011 Commission Action Plan and the recent legislative proposals aimed at maintaining the flow of credit to SMEs and improving their access to capital markets;
 7. Emphasises that Member States have to refrain from discriminatory measures, such as trade and tax laws that only affect certain sectors or business models and distort competition;
 8. Deplores the fact that some Member States are discriminating foreign businesses by creating new barriers making it difficult for them to establish themselves in a given Member State, which constitutes a clear breach of internal market principles;
 9. Calls on the Commission and Member States to give the highest political prominence to the retail sector as a pillar of the Single Market, including the Digital Single Market, and to lift regulatory, administrative and practical obstacles hampering the start-up of businesses, development and continuity and making it difficult for retailers to fully benefit from the internal market; considers that retail market legislation should be evidence-based, taking into account the needs of the sector, and should be based in particular on an examination and understanding of its impact on small businesses;
 10. Asks Member States to transpose internal market rules in a coherent and consistent way and to implement fully and correctly the internal market rules and legislation; stresses the fact that requirements for extra tests and registrations, the non-recognition of certificates and standards, territorial supply constraints and similar measures create extra costs for consumers and retailers, in particular SMEs, thereby depriving European citizens of the full benefits of the Single Market; calls also on the Commission, with the aim of ensuring better governance, to operate a zero-tolerance policy towards those Member States which fail to properly apply internal market rules and to do so, where appropriate, by means of infringement procedures and by speeding up those procedures using a fast-track approach;

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11. Calls for the internal market scoreboard to be extended to cover the implementation of the services directive;
12. Encourages business federations and consumer associations to provide more information, training and legal advice to stakeholders on their rights and the problem-solving instruments at their disposal, such as SOLVIT, and to support the exchange of best practices among themselves;
13. Welcomes the Commission's intention to develop instruments to facilitate consumer access to transparent, easily understandable, comparable, and reliable information on the prices, quality and sustainability of goods and services; encourages the Commission to set up an easily accessible database containing all EU and national labelling requirements; at the same time warns against the multiplication of labels and labelling requirements and calls for simplification, including by bringing together various aspects of sustainability in one label, while reducing differences in national mandatory labelling requirements and establishing common benchmarks/criteria at EU-level, where appropriate;
14. Asks the Commission, when monitoring the implementation of its Action Plan, to pay particular attention to actions aimed at supporting the independent retailer; encourages local and regional authorities to promote actions aimed at facilitating equal access and creating a level playing field for the independent retailer, in full respect of free and fair competition, such as: the encouragement of the 'adopt-a-shop' principle by which larger retailers act as 'mentors' to smaller shops in the same locality, in particular for new market entrants; the promotion of groups of independent retailers, including co-operatives, which benefit from mutual assistance and certain economies of scale, whilst retaining their full independence and; respect for the right of local and regional authorities to stimulate a climate favourable to small, independent shops, which are typically established in town centres, by lowering energy rates — including for signs illuminated by night — and rents via public-private partnerships, and by introducing business rate discounts on local charges for small businesses and independent retailers, in compliance with applicable EU state aid competition and internal market public procurement rules, and by promoting co-operation between the various shops in that area;
15. Recalls that, while a concentration of shops outside city centres can be convenient for some consumers, it can also have negative environmental effects and can be a challenge for other consumers, in particular for older people, people with reduced mobility or those without a car; calls, therefore, for local and regional authorities to adopt a balanced approach, also taking into account the fact that in many regions, especially in view of the economic crisis, the saturation point has already been reached; emphasises that retail developers should continue to assume their shared responsibility to promote sustainability, true freedom of choice for consumers and access to the market for small shops; notes that rents in shopping centres outside city centres can be too high for smaller, independent shops and stresses the need to ensure a level playing field for these shops, for example by basing rents on a percentage of turnover, in cases where this is not already an existing practice;
16. Acknowledges the competence of local authorities with regard to urban planning; highlights, however, that urban planning should not be used as a pretext to circumvent the right to free establishment; recalls, in this connection, the importance of proper enforcement of the services directive; urges Member States to remove barriers to free movement and to open up their markets in order to stimulate competitiveness and promote diversity among shops, which is essential if shopping areas — in particular in town and city centres — are to remain attractive;
17. Emphasises the important role of public-private partnerships in ensuring clean, safe and accessible shopping areas in town and city centres, inter alia, by addressing the negative effects of vacant buildings in shopping areas, for example by making these places available to start-up businesses at a lower rent than usual, in compliance with applicable EU state aid and public procurement rules;
18. Notes that the rapid development of e-commerce has delivered significant benefits for consumers and businesses in terms of innovation, new market opportunities and growth, improved choice, enhanced competition and lower prices; notes, however, that shops are now facing new challenges, thereby making multichannel retail strategies even more important; encourages retailers, in view of the social and cultural role of retail, to make the most of innovative technologies

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and to develop new business models for their on-line customer base while also expanding the shopping experience in the brick-and-mortar shop, by inter alia, increasing service levels, both before and after the sale;

19. Welcomes the Commission's intention to encourage e-commerce; regrets, however, the absence of an objective to make online services and goods accessible to consumers from all Member States; calls on the Commission to propose a strategy to prevent traders from adopting discriminatory policies in their e-commerce practices, thereby ensuring that all European citizens have unfettered access to cross-border online trade;

20. Emphasises that e-commerce is important so as to ensure consumer choice and access to goods and services, in particular in remote areas; stresses the fact that appropriate action must be taken to develop its full potential, including by improving access to the internet in the most remote areas of the EU; supports the measures called for in the Commission Communication of 11 January 2012 on e-commerce to enhance confidence, simplify the registration of domains across borders, improve secure online payments and delivery services, facilitate cross-border debt recovery and improve information to consumers on their rights, particularly concerning withdrawals and opportunities to appeal;

21. Reiterates the importance of removing barriers (including linguistic, administrative and those relating to lack of information) which restrict the business potential of online cross-border trade and undermine consumers' confidence in the Single Market;

22. Welcomes the Commission proposal on Multi-Lateral Interchange Fees (MIF) and stresses the importance of removing card scheme rules which reinforce the anticompetitive effects of the MIF; urges the Commission to support Member States that already have transparent, competitive and innovative payment systems and to use them as best practices in further developing a cheaper and fairer payments market in Europe;

23. Highlights the retail sector's responsibility concerning sustainability; welcomes the fact that retailers and suppliers have been at the forefront of green responsibility, particularly regarding waste, energy consumption, transport and CO₂ reduction; considers that further efforts are necessary in this area;

24. Welcomes in particular the voluntary initiatives and commitments taken by retailers and suppliers to reduce food waste;

25. Points to the importance of preserving retail in stalls and markets, a sector comprised chiefly of thousands of family-run micro-enterprises and which is also a distinguishing feature of the European economy;

26. Highlights the fact that retailers are offering diverse and modern ways of purchasing and selling goods and services which contribute to wider consumer choice and flexible employment opportunities, in particular for young people and the long-term unemployed;

27. Calls for the increased support and encouragement of SMEs and co-operatives, in particular those demonstrating innovation and contributing to the social market economy, that address new market needs and are involved in environmentally friendly and socially responsible activities, in order to increase the competitiveness of the EU retail sector, drive down prices for consumers, improve service quality and create new job opportunities;

28. Recalls the importance of the proper implementation of existing social and labour legislation; calls for equal treatment for commercial operators in the internal market in order to combat undeclared work and tax and social fraud;

29. Welcomes franchising as a business model which supports new business and small-business ownership; notes, however, the existence of unfair contract terms in certain cases and calls for transparent and fair contracts; draws the attention of the Commission and Member States, in particular, to problems faced by franchisees who wish to sell their business or change their business formula, whilst remaining active in the same sector; requests that the Commission examine the ban on price-fixing mechanisms in franchise systems and the effects of long-term competition clauses,

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purchase options and the prohibition of multi-franchising, and to reconsider in this respect the current exemption from competition rules for contracting parties having a market share of less than 30 %;

30. Is concerned about the rapid development of private labels; emphasises that private labels should be developed in such a way as to deliver improved consumer choice, notably in terms of transparency, quality of information and diversity, and to provide clear opportunities for SMEs to innovate and expand;

31. Supports the work of the High Level Forum for a Better Functioning Food Supply Chain and its Expert Platform on B2B contractual practices; considers that Parliament should urgently resolve pending issues relating to its participation in the work of the Forum; stresses that UTPs also occur in the non-food supply chain; asks the Commission and business federations, in this connection, to pursue a constructive and cross-sectoral dialogue in the existing fora, also including the annual Retail Market Roundtable and the Commission's forthcoming Group on Retail Competitiveness;

32. Welcomes the principles of good practice and the list of examples of fair and unfair practices in vertical trading relationships in the food supply chain, as well as the framework for the implementation and enforcement of these principles; welcomes the recognition by trade associations of the need for enforcement, and emphasises that if an enforcement mechanism is to have a practical effect, it is vital that it be respected by all actors involved in the food supply chain and that all actors, including farmers' organisations and the manufacturing and wholesale distribution industries, participate; calls on the Commission to review the practical effects of the voluntary initiative, including the enforcement of the principles of good practice, within one year of its entry into force;

33. Notes that issues regarding vertical trading relations also arise in connection with selective and exclusive distribution arrangements in the retail of branded goods; calls, therefore, on the Commission and Member States to safeguard the rights of those retailers and store owners with more limited bargaining power;

34. Considers that weaker market players, in particular farmers and other suppliers, often regard it as difficult to complain about UTPs and emphasises, in this connection, the important role of associations, which should be able to submit such complaints on their behalf; invites the Commission to examine the need for and the feasibility of an ombudsman or adjudicator, also examining whether such an office should have the power to take ex-officio action in the case of evidence-based UTPs;

35. Calls on the Commission to ensure the right of small suppliers to set up groups of producers without being penalised by national competition authorities, which have assessed the importance of these groups based on national production alone;

36. Calls on the Commission to enforce current legislation on territorial supply constraints imposed by suppliers on their customers;

37. 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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Eco-innovation — jobs and growth through environmental policy

European Parliament resolution of 12 December 2013 on Eco-innovation — Jobs and Growth through environmental policy (2012/2294(INI))

(2016/C 468/19)

The European Parliament,

- having regard to the Commission communication 'Europe 2020: A European strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to the Commission communication 'Innovation for a sustainable Future — The Eco-innovation Action Plan (Eco-AP)' (COM(2011)0899),
- having regard to the Commission communication 'Europe 2020 Flagship Initiative: Innovation Union' (COM(2010) 0546),
- having regard to the Commission communication 'A resource-efficient Europe — Flagship Initiative under the Europe 2020 Strategy' (COM(2011)0021),
- having regard to the Commission communication 'Stimulating technologies for sustainable development: An Environmental Technologies Action Plan for the European Union' (COM(2004)0038),
- having regard to the Commission communication 'A strategic vision for a European standard: Moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' (COM(2011)0311),
- having regard to the Commission communication 'Rio+20: Towards the green economy and better governance' (COM(2011)0363),
- having regard to the Commission communication 'A Roadmap for moving to a competitive low carbon economy in 2050' (COM(2011)0112),
- having regard to the Commission communication 'An Agenda for new skills and jobs: A European contribution towards full employment' (COM(2010)0682),
- having regard to the Commission proposal for a regulation establishing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) (COM(2011)0809),
- having regard to the Commission communication 'Horizon 2020 — The Framework Programme for Research and Innovation' (COM(2011)0808),
- having regard to the Commission White Paper 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147),
- having regard to the Commission Green Paper 'From Challenges to Opportunities: Towards a Common Strategic Framework for EU Research and Innovation funding' (COM(2011)0048),
- having regard to the new instrument 'Youth Guarantee',
- having regard to its resolution of 11 November 2010 on European Innovation Partnerships within the Innovation Union flagship initiative ⁽¹⁾,
- having regard to its resolution of 24 May 2012 on a resource-efficient Europe ⁽²⁾,

⁽¹⁾ OJ C 74 E, 13.3.2012, p. 11.

⁽²⁾ OJ C 264 E, 13.9.2013, p. 59.

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- having regard to its resolution of 29 September 2011 on developing a common EU position ahead of the United Nations Conference on Sustainable Development (Rio+20) ⁽¹⁾,
- having regard to its resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 ⁽²⁾,
- having regard to its resolution of 8 March 2011 on innovative financing at global and European level ⁽³⁾,
- having regard to its resolution of 8 June 2011 on 'Investing in the future: A new Multiannual Financial Framework (MFF) for a competitive, sustainable and inclusive Europe' ⁽⁴⁾,
- having regard to the Commission proposal for a Council decision establishing the Specific Programme Implementing Horizon 2020 — The Framework Programme for Research and Innovation (2014 — 2020) (COM(2011)0811),
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council on the establishment of a Programme for the Environment and Climate Action (LIFE) (COM(2011)0874),
- having regard to its resolution of 12 May 2011 on 'Innovation Union: transforming Europe for a post-crisis world' ⁽⁵⁾,
- having regard to its resolution of 14 June 2012 on 'Towards a job-rich recovery' ⁽⁶⁾,
- having regard to its resolution of 7 September 2010 on developing the job potential of a new sustainable economy ⁽⁷⁾,
- having regard to its resolution of 11 September 2012 on the role of women in the green economy ⁽⁸⁾,
- having regard to its resolution of 6 May 2010 on the Commission White Paper: 'Adapting to climate change: Towards a European framework for action' ⁽⁹⁾,
- having regard to its resolution of 27 September 2011 on the Green Paper 'From challenges to opportunities: towards a common strategic framework for EU research and innovation funding' ⁽¹⁰⁾,
- having regard to the Flash Eurobarometer report No 315 on 'Attitudes of European entrepreneurs towards eco-innovation, March 2011',
- having regard to the report 'Analysing and reporting on the results achieved by CIP Eco-Innovation market replication projects' by the Executive Agency for Competitiveness and Innovation (EACI), published in May 2013;
- having regard to the 2008 UNEP, ILO, IOE and ITUC Green Jobs Initiative entitled 'Green Jobs: Towards Decent Work in a Sustainable, Low-Carbon World',

⁽¹⁾ OJ C 56 E, 26.2.2013, p. 106.

⁽²⁾ OJ C 251 E, 31.8.2013, p. 75.

⁽³⁾ OJ C 199 E, 7.7.2012, p. 15.

⁽⁴⁾ OJ C 380 E, 11.12.2012, p. 89.

⁽⁵⁾ OJ C 377 E, 7.12.2012, p. 108.

⁽⁶⁾ OJ C 332 E, 15.11.2013, p. 81.

⁽⁷⁾ OJ C 308 E, 20.10.2011, p. 6.

⁽⁸⁾ OJ C 353 E, 3.12.2013, p. 38.

⁽⁹⁾ OJ C 81 E, 15.3.2011, p. 115.

⁽¹⁰⁾ OJ C 56 E, 26.2.2013, p. 1.

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- having regard to the 2009 Greenpeace and European Renewable Energy Council (EREC) report ‘Working for the climate: renewable energy and the green job revolution’,
 - having regard to the 2007 European Trade Union Confederation (ETUC) and Social Development Agency (SDA) report on ‘Climate Change and Employment: Impact on employment in the European Union-25 of climate change and CO₂ emission reduction measures by 2030’,
 - having regard to the January 2013 Eurofound report ‘Greening of industries in the EU: Anticipating and managing the effects on quantity and quality of jobs’, and its database of case studies,
 - having regard to the 2011 Eurofound report ‘Industrial relations and sustainability: the role of social partners in the transition towards a green economy’,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Employment and Social Affairs and the Committee on Regional Development (A7-0333/2013),
- A. whereas a clean and healthy environment is a precondition for maintaining prosperity and a high quality of life in Europe, but so is the strength and competitiveness of the economy;
- B. Whereas environmental challenges, such as climate change, resource scarcity and the degradation of biodiversity, require a radical transition of our economy, in which clean technologies play a key role;
- C. whereas the scale of the crisis presents a unique and historic opportunity to bring forth transformational change in our economies, paving the way for sustainable long-term development;
- D. whereas the growth of Green Tech in the past years has shown that investing in green growth is not a costly duty but a huge economic opportunity; whereas although nearly every sector has suffered big losses as a result of the recession, the green sector has suffered a drop in growth but is still growing;
- E. whereas it is necessary to replace the current resource-intensive economy by a resource-efficient one, by transforming established industries into green high value-added industries that create jobs while protecting the environment;
- F. whereas environment-friendly solutions will attract a new generation of high-tech manufacturing and services, increase European competitiveness and create new high-skilled jobs;
- G. whereas by supporting new processes to clean up production processes, new management methods and new technologies, and new services to make business greener, eco-innovation acts to help Europe make the most of its opportunities while addressing current challenges;
- H. whereas resource prices have increased extensively over the past years and the competitiveness of companies is therefore increasingly determined by their resource efficiency;
- I. whereas history has proven it difficult for authorities to foresee which innovative technologies will be competitive on the market;
- J. whereas fiscal incentives can be a useful tool to enhance eco-innovation in Europe;

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- K. whereas Europe is a leader in new technology development; whereas there are many barriers to the development and wider use of environmental technologies, such as lock-in to existing technologies, price signals that tend to favour less eco-efficient solutions, difficult access to finance and low consumer awareness; whereas the challenge is therefore to improve the overall environmental performance of products throughout their life-cycle, to boost demand for better products and production technologies, and to help consumers make informed choices;
- L. whereas labels which indicate the environmental credentials of products and services must provide clear, objective information and avoid misleading or 'greenwashing' the consumer;
- M. whereas eco-industries today provide 3,4 million jobs and an estimated annual turnover of EUR 319 billion; whereas in many countries, Green Tech is already or will soon be the biggest employer;
- N. whereas eco-innovation is the cornerstone for the development of an environmentally, economically and socially sustainable growth strategy by the EU leading to quality employment opportunities in a variety of sectors;
- O. whereas the Eco-Innovation Scoreboard 2010 (Eco-IS) shows a favourable eco-innovation performance in several Member States, but despite this no single EU country or group of countries can currently serve as a model for eco-innovation performance in the EU;
- P. whereas the Flash Eurobarometer report No 315 of 2011, on attitudes of European entrepreneurs towards eco-innovation, shows that SMEs face an increase in material costs, although the majority have introduced new or significantly improved eco-innovative production processes or methods in order to reduce material costs, and that they also face the problem of insufficient access to existing subsidies and fiscal incentives and uncertain demands from the market;
- Q. whereas the analysis of the CIP Eco-Innovation Initiative shows that the expected environmental, economic and employment benefits far outweigh the public costs;
- R. whereas measuring eco-innovation is a key requirement for monitoring and evaluating the performance and progress of EU Member States towards smart and sustainable growth in Europe, but the data availability on eco-innovation is limited and its quality varies significantly between indicators;
- S. whereas policymakers and other stakeholders have different understandings of what eco-innovation is and what it should aim at;
- T. whereas there are different evaluation criteria used for the definition of terms such as 'eco-innovation' and 'smart green jobs' (for example within the ILO, UNEP, CEDEFOP, OECD or Eurostat definitions), which could lead to diverging statistics on eco-innovation, green jobs and growth;
- U. whereas Parliament's resolution of 7 September 2010 on developing the job potential of a new sustainable economy makes reference to the ILO's definition of sustainable jobs and stresses that eco-innovation has an important role in all industrial and manufacturing sectors;
- V. whereas there are currently more than 240 projects funded by the eco-innovation scheme; whereas in May 2013 the Commission launched a new call to select a further 45 eco-innovation projects with novel environmental solutions; whereas the operation and funding of the CIP Eco-innovation Initiative has supported promising European developers of eco-innovation by providing the risk capital that would otherwise not be accessible;
- W. whereas for the period 2014-2020 the EU's new Horizon 2020 programme for research and innovation is the financial instrument implementing the Innovation Union; whereas under the next Multiannual Financial Framework (MFF 2014-2020) the Eco-innovation Initiative is also covered through LIFE (Programme for the Environment and Climate Action 2014-2020);

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- X. whereas there is a disturbing increase in the youth unemployment rate as well as a strong need for policies which deliver more and better job opportunities for young people;
- Y. whereas the Commission's 'New Skills for New Jobs' initiative, which acknowledges cooperation with the Member States, has been welcomed by Parliament;

General policies for creating smart, sustainable growth and jobs

1. Calls on the Commission to continue working on an EU-wide vision of eco-innovation in the context of the shift to a resource-efficient, low-carbon economy, but also to focus on concrete targets, priority areas and milestones;
2. Supports the Commission's Europe 2020 strategy flagship initiative, aimed at making the change, as of now, towards a sustainable economy; stresses, furthermore, that targeted investment for the ecological transformation of the EU's regions is a very useful instrument for achieving the strategic objectives of regional convergence and territorial cohesion;
3. Notes the potential for the direct and indirect creation of quality jobs through full implementation of the EU 2020 strategy; calls, therefore, on the Commission and the Member States to step up their efforts in this area; welcomes the Commission's promotion of an integrated strategy for green growth under the 'Innovation Union' flagship initiative and, in particular, the Eco-Innovation Action Plan, as a step in the right direction;
4. Stresses the importance of legislation as a means to increase the demand for environmental technologies; believes that the competitiveness of European production depends on Europe being a global front runner in eco-efficient goods and production;
5. Calls on Member States to develop strategies to align workforce skills with the opportunities offered by the Green Tech sector, looking to different subsectors and their needs for qualified workers;
6. Highlights the dual environmental and economic benefits of transition to a green sustainable economy, in terms of creating sustainable jobs, both in the EU and in the developing world, through increased participation in innovative fuel and material production, as well as the employment opportunities resulting from the processing and distribution of biomaterials for business, public, private and domestic consumers; stresses that these opportunities should create quality and sustainable jobs both for qualified and unqualified workers; recognises that a stable, long-term regulatory framework to promote sustainability should be developed using existing financial instruments;
7. Notes the complex challenges of food security, climate change, soil quality, raw material scarcity, transformation towards renewable energy systems and energy efficiency, etc.; recognises that eco-innovation can play an important role in addressing many of these challenges; reiterates that such a transition requires a holistic approach incorporating education, training, skills development, research and innovation, private and public sector investment and infrastructure development, all of which contribute to diverse and sustainable employment opportunities;
8. Believes that innovative European companies are in need not only of subsidies, but also of better legislation, better links to the research base and better and more diverse access to funding and financing, ranging from grants to loans and equity financing; calls, therefore, on the Member States and the Commission to create appropriate conditions at national and European level;
9. Stresses that Green Tech jobs should not be limited to renewable energy production, increasing energy efficiency and the transport sector, since green growth is an opportunity for all sectors, which should therefore investigate development options for and raise consumer awareness of the importance of buying 'green' products;
10. Believes that a speedy development of clean technology is required in order to increase the competitiveness of companies; calls, therefore, on the Commission to place eco-innovation at the centre of its industrial policy;
11. Calls on the Commission to facilitate the development of labelling standards and clear definitions for the purpose of identifying and communicating the environmental credentials of products and services;

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12. Believes that a new sustainable economy for the EU must ensure balanced economic and social development; calls for an ambitious sustainable industrial policy with an emphasis on resource efficiency; recalls that resource efficiency and material efficiency will reduce costs for industry and households, to unlock resources for other investment and make the EU economy less dependent from scarce resources and highly volatile resource markets; stresses that the green economy needs to offer prospects for decent, well-paid jobs with equal opportunities for both men and women, with focus on the protection of the environment;
13. Stresses that, while eco-industries today provide 3,4 million jobs and an estimated annual turnover of EUR 319 billion, the potential for creating regional growth, employment opportunities and environmental benefits remains largely untapped, and recalls, in this connection, that the cost of inaction will be high;
14. Stresses that the success of eco-innovation requires more targeted and long-term investment which must involve, in particular, the fields of education and training, research and development, infrastructure, etc.;
15. Welcomes existing university programmes and work training programmes which focus on ecological, economic and social sustainability; stresses that there are new educational needs to be met regarding the development of sustainable jobs;
16. Is firmly convinced that market economy-based environmental policy can become the engine for growth and employment in all branches of the economy; stresses that predictable, investment-friendly framework conditions are the basis which will allow for innovative businesses to make the best possible use of these opportunities for the benefit of the environment and of employees;
17. Acknowledges the fact that economic transition to new business niches can attract the young generation of workers and lead to new job opportunities in the eco-innovation spectrum;

The Eco-Innovation concept

18. Welcomes the Commission communication 'Innovation for a sustainable Future — The Eco-innovation Action Plan (Eco-AP)' (COM(2011)0899);
19. Stresses the potential synergy effects of eco-innovation in creating sustainable quality jobs, protecting the environment and reducing economic dependency;
20. Underlines the broad dimension of the eco-innovation concept, given that it is defined as any form of innovation aiming at progress towards the goal of sustainable development, through reducing environmental impacts and achieving a more efficient and responsible use of resources;
21. Calls on the Commission to map different perceptions of eco-innovation and its related challenges and to build a common understanding on the different strategic opportunities eco-innovation offers for the future;
22. Considers the Eurostat definition of 'green jobs' (in the environmental goods and services sector), which for example stipulates that 'green' technologies and products must have an environmental protection or resource management purpose as their prime objective, to be useful to avoid diverging statistics, but considers it necessary to further develop an EU- wide uniform definition of green jobs and growth, which would, for example, also include the public transport sector; deems it useful to consider a more comprehensive 'green jobs' definition embracing additional jobs/activities as a next step;
23. Highlights the unexploited environmental benefit potential of eco-innovation, given that it is expected to help reduce greenhouse gas emissions, other pollutants and waste generation through, inter alia, increased use of recycled materials and production of quality products having less impact on the environment, as well as to facilitate more environment-friendly production processes and services; stresses the need to target actions on the bottlenecks and barriers that constitute obstacles to the commercialisation of eco-innovation and the internationalisation of such products and services;

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24. Calls on the Commission to include specific eco-innovation recommendations in the European Semester in order to promote sustainable growth;
25. Recognises that eco-innovation presents clear opportunities for new niche businesses, offering opportunities for small and medium-sized enterprises (SMEs), self-starters, the self-employed and entrepreneurs to benefit from new markets and business models, as well as revitalising existing traditional economic sectors with opportunities to make existing jobs greener by adapting to sustainable and resource-efficient production and working methods;
26. Calls on the Commission to develop a systematic approach to eco-innovation policy, with sound framework conditions enabling a level playing field for eco-innovation in businesses and an infrastructure, that allows businesses and consumers to make sustainable choices;
27. Calls on the Commission and Member States to develop eco-standards for public procurement to increase the pilot customer role of public institutions;
28. Notes, in particular, the importance of access to appropriate training and skills development within the framework of eco-innovation, in order to provide the required skilled workforce for employers, to equip young people with the necessary knowledge, skills and competences to become employable in terms of emerging innovation opportunities, and to facilitate worker transition from declining sectors to new, green sectors; highlights, in this regard, the opportunities offered by 'rural apprenticeships' and other forms of vocational training in developing these new skill sets;
29. Recommends promoting the creative and innovative potential of young people to contribute to sustainable development, and improving their access to funding.

The EU, the Member States and the regions

30. Underlines the need for mainstreaming the eco-innovation concept in all policy fields, given that eco-innovation is a cross-cutting policy area; calls on the Commission and the Member States, in this connection, to encourage cooperation across ministries and policy levels and to monitor the implementation of the policies concerned on a regular basis;
31. Calls on all key actors to work together on green growth, innovation and jobs in each sector, and to make use of the existing instruments, such as technology platforms, skills expert panels, joint technology initiatives, lead markets, clusters and high-level industrial groups;
32. Calls on the Commission and the Member States to draw up new legislation and strengthen the existing legislation in the field of the development and use of renewable energies and increasing energy efficiency, providing legal certainty and a level playing field, and boosting public and private investment;
33. Calls on the Member States to improve the coordination of these policies, and in particular to support regional partnerships for growth, innovation, jobs and equal opportunities between women and men, as well as cross-border initiatives;
34. Draws attention to the job potential of the eco-innovation concept in a sustainable economy; calls on the Commission to provide a platform enabling the Member States to coordinate their efforts in creating new sustainable jobs and growth;
35. Urges the Member States to exchange experience and best practice in the field of employment opportunities when dealing with the economic, social and environmental impact of climate change;
36. Calls for the horizontal integration of the concept of eco-innovation into the structural and cohesion funds; recommends that the local and regional authorities, in accordance with the legal and institutional architecture of each Member State, adopt development strategies in line with the objectives of the EU 2020 Strategy, with the aim of creating new jobs in a sustainable economy;
37. Takes the view that the existing and proposed EU environmental legislation has significant potential to create new jobs in areas such as air, soil and water, energy, public services, agriculture, transport, tourism, forestry and environmental management, and calls on the Member States to implement this legislation;

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38. Stresses the urgency of improving the efficiency of the EU carbon market to provide investment certainty to climate-friendly technologies;
39. Calls for the creation of stronger links between basic research and industrial innovation and between innovation and the manufacturing process; urges the Commission to initiate research/consultancy case studies on eco-innovation for every Member State;
40. Stresses that EU eco-innovation stimulates greater resource efficiency outside our borders, thereby reducing the depletion of global resources; urges, therefore, the Member States to strengthen their national resource efficiency strategies and to share their knowledge in international forums;
41. Underlines the importance of better integrating best practices of eco-innovation into real economy in order to make advancements more visible in people's day-to-day life;
42. Stresses that research forms the basis for innovation and eco-innovation; points to the great growth prospects of eco-innovation and Europe's potential for being a worldwide leader in the field, with the opportunities that this entails for new quality jobs;
43. Considers eco-innovation to be fully in line with the research and innovation and climate and environmental investment priorities in the coming structural fund programming period;
44. Highlights the vital role that partnerships and synergies between the education sector, companies and local and regional authorities can play in providing the relevant training, including STEM-related skills both for men and women, career guidance, quality, funded traineeships and dual learning opportunities, in order to allow for wide access to the employment opportunities and quality jobs emerging through eco-innovation;
45. Encourages the Member States to provide incentives for businesses, in particular SMEs, to promote greater investment in private sector research and development (R&D) activities; welcomes, in this connection, the Eco-Innovation Action Plan;
46. Urges the Member States to enhance cross-border co-operation in order to ensure the diffusion of technology and best practices across the EU, thereby increasing Europe's competitiveness;
47. Calls for the exploitation of the best eco-innovations to be promoted, particularly in developing countries where, for example, a more effective process for charcoal production, composting toilets, use of renewable energy sources, water purification systems and numerous other innovations can, significantly and at a relatively low cost, improve quality of life, enhance health and promote sustainable entrepreneurship and employment;
48. Urges the Member States, in the framework of providing for a socially responsible transition towards high-quality green jobs, to make use as soon as possible of the European Social Fund for programmes aimed at up-skilling, training and retraining employees;

Funding eco-innovation

49. Points to the benefits of fiscal policies and calls on the Member States to shift taxes from employment to resource use and pollution, in order to boost eco-innovation;
50. Urges the Commission to define environmentally harmful subsidies as 'a result of a government action that confers an advantage on consumers or producers, in order to supplement their income or lower their costs, but in doing so, opposes sound environmental practices'; calls on the Commission and the Member States to adopt without delay concrete plans for phasing out all environmentally harmful subsidies based on this definition;
51. Calls on the Commission and the Member States to progressively phase out by 2020 all environmentally harmful subsidies, including subsidies and financial support on fossil fuels, and subsidies that incentivise the inefficient use of renewable resources, and to report on progress through the National Reform Programmes;

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52. Stresses that eco-innovation should benefit from the emerging EU financial instruments and vehicles of the Innovation Union and Resource-Efficient Europe Flagships, as well as the post-2013 Cohesion Policy and Horizon 2020;
53. Considers it important that eco-innovations and environmental technologies be financially and competitively viable in the long term; considers that public investment support should encourage environmentally friendly production methods in cases where public support is given;
54. Welcomes the eco-innovation funding possibilities within the Common Agricultural Policy, and also under the COSME, Horizon 2020 and LIFE programmes, while insisting that more funding be made available to increase the practical application of eco-innovations already developed;
55. Calls on the Commission to implement the necessary instruments and allocate sufficient budget resources to ensure a smooth transition between the CIP and Horizon 2020 programmes as regards eco-innovation, and to ease the procedural constraints and financial burden on small and medium-sized businesses; recalls that gender balanced participation in decision-making in all phases and aspects of funding is essential;
56. Urges Member States to include eco-innovation in their strategies for the 2014-2020 period as a means of promoting the green economy, growth and new jobs, thereby ensuring the development of entrepreneurship on a level playing field and underpinning co-operation between the worlds of education, business and science;
57. Stresses that, although current priority areas for the Eco-Innovation 2012 Call are limited to a number of focus areas, the Eco-Innovation Initiative is a cross-cutting programme that supports eco-innovative projects in different sectors; reiterates, therefore, that all sectors and business activities should be eligible for funding;
58. Invites the Commission, specifically, to programme clearly-defined, focused and reinforced resources for market replication projects, risk capital, networking and internationalisation for eco-innovations and their commercialisation in the EU by SMEs;
59. Believes, since new business models are starting to shake up traditional supply chains, that the ability to take account of globalisation and its effects on the EU economy and supply chains over the next funding period should be better reflected in the priorities for the Eco-innovation Initiative;
60. Believes that the potential of SMEs and cooperatives in promoting eco-innovation is not yet exhausted; calls, therefore, for specific funding possibilities for SMEs and cooperatives with regard to eco-innovation concepts;
61. Is convinced that innovative financial tools are needed in order to improve the opportunities for capacity building and networking;
62. Emphasises that an increase in funds must be coupled with a simplification of funding procedures;
63. Points out that the future cohesion policy includes a smart specialisation strategy as an ex-ante conditionality for EU regions; encourages the regions to launch awareness raising campaigns aimed at all target groups with a view to integrating eco-innovation into regional and national smart specialisation strategies;
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64. Instructs its President to forward this resolution to the Council and Commission.
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P7_TA(2013)0593

Call for a measurable and tangible commitment against tax evasion and tax avoidance in the EU**European Parliament resolution of 12 December 2013 on the call for a measurable and binding commitment against tax evasion and tax avoidance in the EU (2013/2963(RSP))**

(2016/C 468/20)

The European Parliament,

- having regard to the Commission Communication of 6 December 2012 on an action plan to strengthen the fight against tax fraud and tax evasion (COM(2012)0722),
 - having regard to the Commission Recommendation of 6 December 2012 on aggressive tax planning ⁽¹⁾,
 - having regard to the Commission Recommendation of 6 December 2012 regarding measures intended to encourage third countries to apply minimum standards of good governance in tax matters ⁽²⁾,
 - having regard to the Commission Communication of 27 June 2012 on concrete ways to reinforce the fight against tax fraud and tax evasion including in relation to third countries (COM(2012)0351),
 - having regard to its resolution of 21 May 2013 on 'Fight against Tax Fraud, Tax Evasion and Tax Havens' ⁽³⁾,
 - having regard to its resolution of 19 April 2012 on the call for concrete ways to combat tax fraud and tax evasion ⁽⁴⁾,
 - having regard to the Ecofin conclusions and report to the European Council of 22 June 2012 on tax issues,
 - having regard to the Ecofin conclusions of 14 May 2013 on tax evasion and tax fraud,
 - having regard to the G20 Leaders' Declaration issued following the Saint Petersburg Summit of 5 and 6 September 2013,
 - having regard to the communiqué issued following the meeting of G20 finance ministers and central bank governors held in Moscow on 15 and 16 February 2013,
 - having regard to the 2013 Organisation for Economic Cooperation and Development report entitled 'Addressing Base Erosion and Profit Shifting',
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas an estimated EUR 1 trillion in potential tax revenue is lost to tax fraud, evasion and avoidance every year in the EU, without any tangible measures being taken in response;
- B. whereas tax fraud and evasion constitute an illegal activity involving the evasion of tax liabilities, while tax avoidance is the legal utilisation of the tax regime to reduce or avoid tax liabilities, sometimes leading to aggressive tax planning, which consists in taking improper advantage of a tax system's technicalities, or of mismatches between two or more tax systems, for the purpose of reducing tax liability;
- C. whereas only harmonisation of the tax base between Member States would prevent tax avoidance;

⁽¹⁾ OJ L 338, 12.12.2012, p. 41.

⁽²⁾ OJ L 338, 12.12.2012, p. 37.

⁽³⁾ Texts adopted, P7_TA(2013)0205.

⁽⁴⁾ OJ C 258 E, 7.9.2013, p. 53.

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- D. whereas the potential revenue gains would place Member States in a better position to balance their budgets and increase the funds available to foster investment, growth and employment, which are crucial socioeconomic factors in a sustainable EU exit strategy from the crisis;
- E. whereas the scale of tax evasion and avoidance undermines citizens' trust and confidence in the fairness and legitimacy of public administrations and their tax systems;
- F. whereas unilateral national measures have in many cases proven ineffective and insufficient, demonstrating the need for a coordinated and multi-pronged approach based on tangible strategies and goals set at national, EU and international level;
- G. whereas fiscal consolidation calls for efforts on both the revenue and expenditure sides of public budgets; whereas a proper balance between tax bases and tax rates is essential in order to ensure fiscal stability and competitiveness at national and EU level;
1. Welcomes the fact that the Commission and the Council are prepared to tackle the issue of the tax gap in Europe by, among other things, focusing on intensifying the fight against tax fraud and evasion and aggressive tax planning;
 2. Welcomes recent Commission proposals to expand automatic information exchange, fight VAT fraud and amend the Parent-Subsidiary Directive, which are designed to reduce tax avoidance in Europe by closing existing legal loopholes that some companies have been using to escape paying their fair share of fiscal contributions;
 3. Recalls its urgent call for the Member States to commit to an ambitious but realistic target of at least halving the tax gap by 2020;
 4. Insists that, in the current period of recovery from the crisis, tangible targets and a real commitment to fighting tax evasion and avoidance by eliminating the tax gap can generate a much-needed increase in tax revenue by recovering tax due;
 5. Calls on the Commission to launch a study on possible indicators constituting a basis for reducing tax fraud, evasion and avoidance and, if appropriate, to establish a standardised set of indicators for measuring tax evasion and avoidance;
 6. Calls on the Commission to introduce a set of tangible targets for reducing the tax gap at European and national level, with the headline target being the reduction of the tax gap by 2020;
 7. Suggests that these targets be incorporated into the Europe 2020 strategy, if appropriate, and calls on the Commission to examine whether they could be given a clear role within the European Semester;
 8. Calls on the Commission, in this connection, also to examine whether the national reform programmes and the stability and convergence programmes could be expanded by incorporating these targets and measures, so as to achieve the required reduction in the tax gap;
 9. Stresses that there is an urgent need for better coordination, and that a common drive to reduce the tax gap would give substance to the Council's pledges of commitment to fighting tax evasion and avoidance;
 10. Calls on the Commission to report annually to Parliament and the Council on the progress made in the EU and globally in fighting tax fraud and evasion and aggressive tax planning, and to publicise on its website concrete examples of best practices in this field;
 11. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the Organisation for Economic Cooperation and Development.
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P7_TA(2013)0594

Progress made in the implementation of the national Roma integration strategies**European Parliament resolution of 12 December 2013 on the progress made in the implementation of the National Roma Integration Strategies (2013/2924(RSP))**

(2016/C 468/21)

The European Parliament,

- having regard to Articles 2, 3 and 6 of the Treaty on European Union and Articles 8, 9, 10 and 19(1) of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights (hereinafter ‘the Charter’) and in particular Article 21 thereof,
- having regard to the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the Convention on the Elimination of All Forms of Discrimination against Women of 1979, the United Nations Convention on the Rights of the Child of 1989, and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992,
- having regard to the relevant CJEU and ECtHR case-law,
- having regard to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,
- having regard to its resolution of 1 June 2006 on the situation of Roma women in the European Union ⁽¹⁾,
- having regard to Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law (the Framework Decision on Racism and Xenophobia),
- having regard to its resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union ⁽²⁾,
- having regard to its resolution of 9 March 2011 on the EU strategy on Roma inclusion ⁽³⁾,
- having regard to its resolution of 11 June 2013 on social housing in the European Union ⁽⁴⁾,
- having regard to its resolution of 14 March 2013 on strengthening the fight against racism, xenophobia and hate crime ⁽⁵⁾,
- having regard to the Commission communication of 5 April 2011 on an EU Framework for National Roma Integration Strategies up to 2020 (COM(2011)0173) and to the European Council conclusions of 24 June 2011,
- having regard to the Commission communication of 21 May 2012 entitled ‘National Roma Integration Strategies: a first step in the implementation of the EU Framework’ (COM(2012)0226),
- having regard to the Commission communication of 26 June 2013 on steps forward in implementing national Roma integration strategies (COM(2013)0454),

⁽¹⁾ OJ C 298 E, 8.12.2006, p. 283.

⁽²⁾ OJ C 308 E, 20.10.2011, p. 73.

⁽³⁾ OJ C 199 E, 7.7.2012, p. 112.

⁽⁴⁾ Texts adopted, P7_TA(2013)0246.

⁽⁵⁾ Texts adopted, P7_TA(2013)0090.

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- having regard to the Commission proposal for a Council recommendation of 26 June 2013 on effective Roma integration measures in the Member States (COM(2013)0460),
 - having regard to its study of January 2011 on measures to promote the situation of Roma EU citizens in the European Union,
 - having regard to the survey by the European Union Agency for Fundamental Rights presented in May 2012, entitled 'The situation of Roma in 11 EU Member States',
 - having regard to the hearing on the EU Framework for National Roma Integration Strategies held at the European Parliament on 18 September 2013,
 - having regard to the Commission report of 4 September 2013 on health inequalities in the European Union (SWD(2013)0328),
 - having regard to its resolution of 4 July 2013 on the impact of the crisis in access to care for vulnerable groups ⁽¹⁾,
 - having regard to the Commission staff working document of 20 February 2013 on investing in health (SWD(2013)0043),
 - having regard to its resolution of 8 March 2011 on reducing health inequalities in the EU ⁽²⁾,
 - having regard to the Commission communication of 20 October 2009 entitled 'Solidarity in Health: Reducing Health Inequalities in the EU' (COM(2009)0567),
 - having regard to the question tabled to the Commission on the progress made in the implementation of the National Roma Integration Strategies (O-000117/2013 — B7-0528/2013),
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights;
- B. whereas the Roma suffer discrimination throughout Europe and whereas their socio-economic and fundamental rights situation is in many cases worse than that of non-Roma in comparable situations;
- C. whereas recent events in EU Member States, acts of violence against Roma, the lack of proper inclusion policies, the use of biased anti-Roma rhetoric, structural and systemic discrimination, clear breaches of the European Convention on Human Rights and of the EU Charter of Fundamental Rights and the lack of judicial investigation and prosecution when violations of fundamental rights occur have demonstrated that anti-Gypsyism is still prevalent in the EU and that it needs to be tackled more vigorously at all levels;
- D. whereas poverty and social exclusion among many Roma has reached a critical level which limits the life prospects of Roma families and puts young Roma at risk of falling into poverty from a very early age;
- E. whereas negative attitudes on the part of non-Roma towards Roma and overt discrimination contribute to the exclusion of Roma;
- F. whereas the growing exclusion of Roma is detrimental to growth and increases public budget deficits;
- G. whereas social inequalities and regional disparities result in a deteriorating quality of life for rural communities; whereas poorly managed urban development accentuates and contributes to growing urban poverty;

⁽¹⁾ Texts adopted, P7_TA(2013)0328.

⁽²⁾ OJ C 199 E, 7.7.2012, p. 25.

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- H. whereas the Commission communication of 2013 on steps forward in implementing national Roma integration strategies shows that little progress has been achieved by the Member States in the implementation of their National Roma Integration Strategies (NRIS), even for the establishment of structural preconditions for the effective implementation thereof;
- I. whereas the internal task force set up by the Commission in 2010 has examined the use of EU funds for Roma inclusion in 18 countries and found that Member States do not properly use EU money and that although EU funds have a considerable potential for bolstering Roma inclusion, bottlenecks at national, regional and local level prevent them from fostering the effective social and economic integration of Roma;
- J. whereas in most Member States the legitimate representation of Roma and the involvement of the relevant civil society organisations in planning, implementing and monitoring national strategies remain insufficient;
- K. whereas the involvement of local and regional authorities in developing, implementing, monitoring, evaluating and reviewing Roma policies is a key element for the effective implementation of the NRIS, considering that they form the level of governance with most of the practical responsibilities for the integration of Roma but that the level of their involvement by Member States is low;
- L. whereas the allocation of targeted financial resources should be accompanied by genuine political will on the part of the Member States, as this is an absolute precondition for the success of the implementation of the strategies, and whereas only a few Member States have an integrated approach to allocating resources from EU and national funds, while in others the implementation of the national strategy is delayed owing to the underutilisation of EU funds, especially in the absence of concrete measures;
- M. whereas the total amount of European funds dedicated specifically to the integration of Roma populations remains unclear; whereas it is therefore crucial that the Commission continues to monitor how Member States spend EU funds and obtains guarantees on the proper use of those funds;
- N. whereas sound monitoring and systematic and consistent assessment of the results of Roma integration measures represent a crucial factor for efficient implementation of the NRIS, and whereas fewer than half of the Member States have envisaged some mechanism for regular reporting and evaluation;
- O. whereas the EU Framework provided for the setting up of National Contact Points for Roma integration in each Member State and stressed that they should be fully empowered to effectively coordinate Roma inclusion across policy areas;
- P. whereas Member States should take all necessary measures to ensure that Roma are not discriminated against and that their human rights, as enshrined in the Charter and the European Convention of Human Rights as well as in EU law, are respected, protected and promoted;
- Q. whereas Roma suffer from discrimination and social exclusion and special attention should be paid to minors and women within Roma communities, in particular with respect to their fundamental rights, including their rights to education and to physical integrity, as well as to the prohibition of slavery and forced labour, as enshrined in Articles 3 and 5 of the Charter of Fundamental Rights;
- R. whereas the effective fighting of anti-Roma prejudices and negative attitudes requires strong awareness-raising campaigns, initiatives that foster intercultural dialogue and cooperation, and cultivating majority support in favour of Roma inclusion;
- S. whereas the Roma who are citizens of the European Union should fully enjoy and be able to exercise the rights and duties associated with European citizenship;

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1. Strongly condemns discrimination and racism against Roma, and regrets the fact that in the European Union the fundamental rights of Roma persons are still not always fully upheld; calls on the Commission and the Member States to fight discrimination and ensure that the relevant EU directives, such as Directives 2000/43/EC and 2012/29/EU⁽¹⁾, are properly transposed and implemented;
2. Calls on the Commission to set up an effective EU-wide monitoring mechanism regarding the fundamental rights of Roma, anti-Roma incidents and hate crime against Roma, and to take strong action — including through infringement procedures, where relevant — in cases of violations of the fundamental rights of Roma in Member States, especially violations of access to and exercise of economic and social rights, of the right to freedom of movement and of residence, of the right of access to healthcare and education, of the right to equality and non-discrimination (including from multiple discrimination), of the right to the protection of personal data and the prohibition of the creation of registers based on ethnicity and race;
3. Welcomes the Commission's initiative to develop an on-line tool to help local authorities understand and apply the free movement rights of EU citizens; condemns, however, any attempts to unlawfully limit the right to free movement of Roma and calls on the Member States to stop illegal expulsions;
4. Condemns all forms of anti-Gypsyism, and in particular hate speech in public and political discourse; urges the Member States to renew their commitment in the fight against anti-Gypsyism, acknowledging its role in undermining the successful implementation of the NRIS; urges all parties to refrain from anti-Roma statements that incite hatred;
5. Calls on the Member States to investigate and put an end to ethnic profiling, police abuse and other human rights violations against Roma, to ensure that bias-motivated offences are punishable and are recorded and investigated properly and that victims are offered proper assistance and protection, and to create specific training programmes for police and other public officers working with Roma communities;
6. Calls on the Commission and the Member States to address the issue of the lack of birth registrations and certificates for Roma residing in the EU;
7. Calls on the Member States to provide an effective response to Roma exclusion by implementing the measures set out in their NRIS with concrete targets, timelines and allocated budgets; calls on the Commission and the Member States to actively involve Roma representatives and civil society in policy development, management, implementation, monitoring and evaluation in respect of the NRIS and the projects affecting their communities, by setting up mechanisms for regular and transparent dialogue in accordance with the principles of the 'European Code of Conduct on Partnership'; calls on the Member States to identify in their NRIS how exactly they intend to empower and involve the Roma in the process; calls on the Commission to support the efforts of Member States by raising awareness among Roma representatives of the opportunities presented by the NRIS, and to encourage them to play a more active role in the integration process;
8. Calls on the Commission and the Member States to ensure sufficient funding for building a strong Roma civil society having the capacity, knowledge and expertise to undertake monitoring and evaluation;
9. Calls on the Commission to scale up current efforts to work with Member States, local authorities and other relevant actors in order to ensure effective communication in respect of the implementation of national strategies and the benefits of the social integration of Roma, to promote intercultural dialogue and awareness-raising campaigns that seek to put an end to anti-Roma prejudice and negative attitudes by changing mindsets, and to facilitate initiatives that achieve majority support for policies to promote Roma inclusion;
10. Urges the Commission and the Member States to stress the gender dimension in the NRIS and to involve Roma women as well as Roma youth in the process of implementing and monitoring the NRIS;

⁽¹⁾ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

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11. Urges the Member States to involve local and regional authorities in reviewing, managing, implementing and monitoring their national strategies, and to assist and support the local and regional authorities in the measures they need to undertake for the realisation of Roma inclusion under all four pillars of the NRIS, as well as in implementing anti-discrimination measures;

12. Calls on the Member States to produce disaggregated data with the assistance of the FRA, the UNDP and the World Bank on the socio-economic situation of Roma, the degree to which Roma experience discrimination on the grounds of ethnic origin, and hate crimes committed against them, while fully respecting data protection standards and the right to privacy, and to develop, in cooperation with the Commission, the baseline indicators and measurable targets that are essential for a robust monitoring system in order to ensure reliable feedback on the progress made in the implementation of the NRIS and in improvement of the situation of Roma, with particular regard to minors and women; calls on the Commission to enhance the coordination role of the FRA and fully use its capabilities;

13. Calls on the Commission to define a timeline and clear and measurable targets and indicators for the implementation of the NRIS for the Member States, in line with the Europe 2020 strategy, to assist Member States in improving their absorption capacity for EU funds, and to prepare country-by-country reports and country-specific recommendations;

14. Calls on the Member States to take into account the multidimensional and territorial aspects of poverty, to mobilise sufficient budgetary resources from national budget and EU programmes — primarily from the European Social Fund, the European Regional Development Fund and the European Agricultural Fund for Rural Development — inter alia through the use of Community-Led Local Development, Joint Action Plans, Integrated Territorial Investments and Integrated Operations in order to carry out the objectives identified in their NRIS, to develop integrated multi-sectorial and multi-fund programmes targeting the most deprived micro-regions, to include Roma integration in the partnership agreements for the programming period 2014-2020, and to establish their Operational Programmes for the promotion of equal opportunities and the prevention of discrimination and segregation;

15. Calls on the Commission and the Member States to introduce special grant schemes in the form of small and flexible funds for community projects and for mobilising local communities on social inclusion issues;

16. Calls on the Member States to bring their general mainstream education, employment, housing, and health policies into line with the objectives of the NRIS;

17. Calls on the Commission and its Roma Task Force to continue assessing how Member States spend EU funds earmarked for Roma inclusion, as well as the impact of their national policies on the lives of Roma, to report their findings to Parliament and the Council on a yearly basis, and to identify concrete ways to improve the effectiveness of EU funds in the reports; calls on the Commission to facilitate structured input from experts and civil society, and to ensure effective cooperation between the Platform for Roma Inclusion and the rotating EU presidencies;

18. Calls on the Commission to conduct a periodical external evaluation of the impact of EU funding on the social inclusion of Roma, and to identify good practices and projects realised with the help of EU funding and safeguard their long-term sustainability;

19. Calls on the Member States to work together with local and regional authorities in order to eliminate spatial segregation, stop unlawful forced evictions and prevent the homelessness now faced by Roma, and also to set up effective and inclusive housing policies, including by providing appropriate housing, and social and health assistance in the case of evictions;

20. Calls on the Member States to use urban planning for integration and desegregation, and to develop the infrastructural and environmental qualities of the cities most markedly affected by social imbalances, as well as to strengthen the links between urban and rural areas with a view to promoting inclusive development;

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21. Calls on the Member States to eliminate segregation in the field of education and the illicit placement of Roma children in special schools, where relevant, and to create the necessary infrastructure and mechanisms to facilitate access to quality education for all Roma children, to address early school-leaving among Roma pupils, inter alia by involving parents in the education process, to promote Roma children's access to early childhood education and development services, to provide training for teachers so that they are able to address specific situations which may arise when working with Roma children, to provide inclusive support structures such as tutoring and mentoring to Roma students in order to prevent them dropping out of secondary or tertiary education, to ensure their access to the Erasmus programme, and to promote internship opportunities in order to enable them to gain appropriate work experience;
 22. Calls on the Commission and the Member States to address the high levels of unemployment among Roma and to remove all barriers to accessing employment, including by using existing mechanisms such as the Youth Guarantee and the flagship initiatives of the Europe 2020 strategy; calls on the Member States to create anti-discrimination mechanisms, specialised training programmes and programmes to facilitate access to the job market, including the proportionate representation of Roma in public services, encouraging self-employment, mobilising assets for creating more jobs in sectors with the highest employment potential — such as the inclusive green economy, health and social services, and the digital economy — and creating partnerships between public authorities and employers;
 23. Calls on the European institutions to create internship programmes and employ Roma in all institutions;
 24. Calls on the Commission and the Member States to address the existing health disparities that Roma face and the prevalent discrimination regarding their access to healthcare, to set up specifically targeted programmes and to allocate sufficient financial resources from national and EU funds, with particular emphasis on child and maternal health;
 25. Calls on the Member States to determine precisely the National Contact Points for Roma Inclusion and their responsibilities in the implementation of the NRIS, ensuring that they have sufficient authority, capacity and political and financial support to fulfil their role effectively as well as adequate links with the Roma community and civil society organisations, to ensure that the Contact Points are accessible by clearly identifying them and to ensure that their communication with stakeholders at all levels is transparent;
 26. Reminds the Member States that good practices, such as Roma mediators' programmes and the European Alliance of Cities and Regions for Roma Inclusion implemented by the Council of Europe, are successful on the ground, which should encourage Member States to show more political determination in favour of the effective inclusion of Roma;
 27. Welcomes the adoption of the Commission's proposal for a Council Recommendation on effective Roma integration measures in the Member States;
 28. Stresses that integration is a two-track exercise and that every integration effort implies shared but asymmetrical responsibilities of the parties in light of their capacities and their economic, political and social resources;
 29. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States and the Council of Europe.
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Thursday 12 December 2013

P7_TA(2013)0595

Outcome of the Vilnius Summit and the future of the Eastern Partnership, in particular as regards Ukraine**European Parliament resolution of 12 December 2013 on the outcome of the Vilnius Summit and the future of the Eastern Partnership, in particular as regards Ukraine (2013/2983(RSP))**

(2016/C 468/22)

The European Parliament,

- having regard to its resolution of 23 October 2013 on ‘the European Neighbourhood Policy: towards a strengthening of the partnership. Position of the European Parliament on the 2012 reports’ ⁽¹⁾,
 - having regard to its resolution of 12 September 2013 on the pressure exerted by Russia on Eastern Partnership countries (in the context of the upcoming Eastern Partnership Summit in Vilnius) ⁽²⁾,
 - having regard to its resolution of 13 January 2005 on the results of the Ukraine elections ⁽³⁾,
 - having regard to the Joint Declaration of the Vilnius Eastern Partnership Summit of 29 November 2013,
 - having regard to the Joint Declarations of the Warsaw Eastern Partnership Summit of 30 September 2011 and of the Prague Eastern Partnership Summit of 7 May 2009,
 - having regard to the deteriorating situation in Ukraine, which developed after the decision by the Ukrainian authorities not to sign the Association Agreement at the Vilnius Summit of 28 and 29 November 2013, resulting in the outbreak of massive popular demonstrations in support of Ukraine’s European choice at the Euromaidan in Kyiv and in cities all over Ukraine,
 - having regard to the joint statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, and the Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle, condemning the excessive use of force by the police in Kyiv to disperse demonstrators on 30 November 2013,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas, at the Vilnius Eastern Partnership Summit, Ukraine and all the other participants reconfirmed their commitment to the principles of international law and to fundamental values, such as democracy, the rule of law and respect for human rights;
- B. whereas, in particular, Armenia’s decision to withdraw from the Association Agreement negotiations and Ukraine’s last-minute decision to suspend the preparations for the signing of its Association Agreement frustrated the efforts made, and undermined the work undertaken, over the last few years with the aim of deepening bilateral relations and enhancing European integration;
- C. whereas the Ukrainian Government’s decision to suspend the process of preparation for the signing of the Association Agreement, including a Deep and Comprehensive Free Trade Area (DCFTA), has aroused discontent and massive protest within the country; whereas, in this context, the Ukrainian security forces made brutal and unacceptable use of force against peaceful demonstrators, opposition parties and the media;
- D. whereas Georgia and Moldova initialled Association Agreements with the EU, including provisions establishing DCFTAs, at the Eastern Partnership Summit in Vilnius on 29 November 2013;

⁽¹⁾ Texts adopted, P7_TA(2013)0446.

⁽²⁾ Texts adopted, P7_TA(2013)0383.

⁽³⁾ OJ C 247 E, 6.10.2005, p. 155.

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E. whereas the only solution must be a peaceful one negotiated with all parties;

1. Welcomes the initialling of Association Agreements, including DCFTAs, with Georgia and Moldova, which sets a clear European agenda for these two countries; looks forward to the signing and implementation of these agreements as soon as possible; calls on the Commission, in this connection, to facilitate the implementation of these agreements and to assist the two countries' respective authorities so that some tangible positive effects and benefits covered by the agreements can be delivered to their citizens in the short term;

2. Deplores the decision by the Ukrainian authorities, under the lead of President Yanukovych, to withdraw from signing the Association Agreement with the EU during the Eastern Partnership Summit in Vilnius, despite the clear will on the EU side to continue with the association process, provided the conditions are met; considers this decision to be a major missed opportunity in EU-Ukraine relations and for Ukraine's aspirations; acknowledges Ukraine's European aspirations, as expressed in the ongoing demonstrations by Ukrainian civil society in the Euromaidan in Kyiv and in other cities all over Ukraine, which did not hesitate to take its disapproval of President Yanukovych's decision out onto the streets, and reiterates its view that a deepening of relations between the EU and Ukraine and the fact of offering Ukraine a European perspective are of great significance and in the interests of both parties;

3. Deplores the violent events of the night of 9 to 10 December 2013, when the security forces stormed the offices of opposition parties and independent media outlets, and harassed protesters, along with those of the night of 10 to 11 December 2013, when security forces attacked peaceful protesters, attempting to remove them from the Euromaidan and surrounding streets and to tear down the barricades; points out that these events took place even during the visit by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, and ongoing efforts to facilitate roundtable talks; fears that they may lead to further escalation of an already tense situation;

4. Recalls that several channels of communication, including the European Parliament Monitoring Mission led by Presidents Cox and Kwaśniewski, are open between the EU and Ukraine, and therefore reiterates that the concerns raised by the Ukrainian authorities to justify this last-minute decision to suspend should have been voiced earlier so as to allow them to be addressed;

5. Reaffirms its strong support for the signing of the Association Agreement as soon as possible, provided that the relevant requirements are met, as defined by the Foreign Affairs Council of 10 December 2012 and supported by Parliament's resolution of 13 December 2012; calls, therefore, on the European Council, at its December 2013 meeting, to send a strong political signal that the EU remains ready to engage with Ukraine;

6. Calls for the immediate launch of a new, fully fledged EU mediation mission at the highest political level, to achieve, and assist in, roundtable talks between the government and the democratic opposition and civil society and to secure a peaceful outcome to the current crisis;

7. Expresses its full solidarity with those demonstrating for a European future; calls on the Ukrainian authorities to fully respect people's civil rights and the fundamental freedom of assembly and peaceful protest; strongly condemns the use of brutal force against peaceful demonstrations, and stresses the need for prompt, effective and independent investigation, and for prosecution of those found guilty; calls for the immediate and unconditional release of the peaceful protesters arrested in the last few days; underlines Ukraine's international obligations in this regard; stresses that such measures clearly stand against the fundamental principles of freedom of assembly and expression, and are therefore in breach of universal and European values; recalls that, in view of Ukraine's position as the incumbent Chair-in-Office of the Organisation for Security and Cooperation in Europe, its record on the defence and promotion of these values is being scrutinised even more closely;

8. Reiterates its firm condemnation of the unacceptable political and economic pressure, coupled with threats of trade sanctions, being exerted by Russia on Ukraine; urges the EU and its Member States to speak to Russia with one voice, and calls for the EU, together with its Member States, to develop and implement a policy of adequate response to these tools and measures used by Russia against Eastern partners, especially with a view to helping Ukraine acquire energy security, in the light of the ongoing crisis regarding the importing of natural gas from Russia; reiterates that the Association Agreement is a matter of strictly bilateral concern between the two parties, and very firmly rejects any proposal to associate a third party in the process;

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9. Calls on the Commission to consider possible counter-measures which the EU can evoke when Russia breaks World Trade Organisation (WTO) trade rules for short-sighted political ends; underlines the fact that the Union's political credibility demands that it should be able to react when it or its partner countries come under political and economic pressure;

10. Urges the Ukrainian authorities to engage in talks with the protesters in order to avoid an escalation of violence and destabilisation of the country, and urges all political parties to ensure that an orderly, calm and reflective parliamentary debate can be conducted on the economic and political situation and the prospects for future integration with the EU; recalls that in any democracy new elections can be called when renewed popular legitimacy is needed;

11. Calls for the EU institutions and the Member States to commit to a broad opening towards Ukrainian society, in particular through a swift agreement on a visa-free regime, strengthened research cooperation, expanded youth exchanges and increased availability of scholarships; considers that further efforts should be made to include Ukraine fully in the EU's internal energy market;

12. Underlines the need for the EU to support the involvement of international financial institutions such as the International Monetary Fund and the European Bank for Reconstruction and Development, with a view to providing financial assistance to help Ukraine tackle its worsening financial situation;

13. Recalls that the signing of the Association Agreement is not an end in itself, but is, rather, a means to achieve long-term stability and socio-economic progress, as well as sustainable and systemic transformation, and that it therefore requires a genuine commitment to its proper and prompt implementation; calls for the EU to negotiate a concrete roadmap for implementation with the Ukrainian authorities;

14. Regrets the fact that after more than three years of successfully completed negotiations on an Association Agreement, including a DCFTA, the Armenian authorities decided instead to join the Customs Union, following Russian pressure; reminds the Armenian authorities that the protests and demonstrations against this decision are an expression of the free will of the country's citizens and that they need to be respected under the international commitments into which Armenia has entered; recalls, in this connection, that persecution and detentions are violations of the rights of assembly and expression and that repressive measures run counter to recent rhetoric of commitment to shared values with the EU; calls on the Government of Armenia to engage in an inclusive dialogue with civil society on the country's future direction;

15. Welcomes the signing of the visa facilitation agreement between the EU and Azerbaijan; is concerned at the crackdown on dissent that has taken place in the country following the presidential elections of October 2013, as manifested in continuing detention and fresh arrests of opposition activists, harassment of independent NGOs and media, and dismissals of the government's critics from their jobs solely on the basis of their political activities; urges the Azerbaijani parliament to reconsider its decision to suspend its participation in the Euronest Parliamentary Assembly, following the adoption of Parliament's resolution of 23 October 2013;

16. Welcomes the Commission's legislative proposal to amend Regulation (EC) No 539/2001 in order to allow visa-free travel to the Schengen area for Moldovan citizens holding a biometric passport; considers that this important measure will facilitate people-to-people contacts and bring Moldovan citizens closer to the EU;

17. Welcomes the signing of a framework agreement with Georgia on participation in EU crisis management operations, providing a permanent legal basis for the involvement of Georgia in ongoing and future EU crisis management efforts around the world;

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18. Believes that the outcome and overall context of the Vilnius Summit highlight the need for the EU to articulate a more strategic and flexible policy in support of the European choice of its Eastern partners, using the full range of tools at its disposal, such as macroeconomic assistance, easing of trade regimes, projects to enhance energy security and economic modernisation, and swift implementation of visa liberalisation, in line with European values and interests;

19. Supports the further involvement of civil society in national reform processes; encourages enhanced interparliamentary cooperation with the Euronest Parliamentary Assembly; calls for a European Parliament mission to be sent to Ukraine as soon as possible; welcomes the involvement of the Conference of Local and Regional Authorities of the Eastern Partnership;

20. 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 Member States, the President of Ukraine, the governments and parliaments of the Eastern Partnership countries and of the Russian Federation, the Euronest Parliamentary Assembly, and the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe.

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P7_TA(2013)0596

2013 progress report on Albania**European Parliament resolution of 12 December 2013 on the 2013 Progress Report on Albania (2013/2879(RSP))**

(2016/C 468/23)

The European Parliament,

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
 - having regard to the conclusions of the General Affairs Council of 11 December 2012, confirmed by the European Council of 14 December 2012,
 - having regard to the Commission communication of 9 November 2010 entitled ‘Commission Opinion on Albania’s application for membership of the European Union’ (COM(2010)0680),
 - having regard to the Commission communication of 16 October 2013 entitled ‘Enlargement Strategy and Main Challenges 2013-2014’ (COM(2013)0700) and the Commission Staff Working Document entitled ‘Albania 2013 Progress Report’ (SWD(2013)0414),
 - having regard to the preliminary findings and conclusions of the International Election Observation Mission to Albania, with regard to the parliamentary elections of 23 June 2013,
 - having regard to its resolutions of 22 November 2012 on enlargement: policies, criteria and the EU’s strategic interests ⁽¹⁾ and of 13 December 2012 on the 2012 progress report on Albania ⁽²⁾,
 - having regard to its resolution of 22 October 2013 on budgetary management of European Union pre-accession funds in the areas of judicial systems and the fight against corruption in the candidate and potential candidate countries ⁽³⁾ and its observations on Albania,
 - having regard to the recommendations of the 6th meeting of the European Union-Albania Stabilisation and Association Parliamentary Committee of 28-29 October 2013,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas Albania has demonstrated progress in achieving the 12 key priorities of the Commission’s 2010 Opinion and the reform process is proceeding in a satisfying manner; whereas Albania has adopted the remaining key judicial, public administration and parliamentary reform measures with cross-party consensus; 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 the orderly conduct of the June 2013 parliamentary elections and peaceful transfer of power are having a positive impact on the country’s democratisation process and improving its international reputation;
- C. whereas the EU accession process has become a driving force for continuing reforms in Albania and citizens’ support for EU accession remains particularly high;
- D. whereas, despite the progress achieved so far, the new parliamentary term started once again with friction between the political forces; whereas these events show that the political forces need to promote a spirit of dialogue, cooperation and compromise as a matter of urgency, primarily in the field of relations between the two major political forces, but also among all the other stakeholders in the social life of the country;

⁽¹⁾ Texts adopted, P7_TA(2012)0453.

⁽²⁾ Texts adopted, P7_TA(2012)0508.

⁽³⁾ Texts adopted, P7_TA(2013)0434.

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- E. whereas the European Parliament has played an important role in efforts to establish a healthy political climate in the country; whereas a sustainable political dialogue is essential to maintain the momentum of the reform process and the implementation of the EU agenda;
- F. whereas the EU has put the rule of law at the core of its enlargement process; whereas the independence of the judiciary and the fight against corruption, organised crime and trafficking in human beings, weapons and drugs continue to be areas of serious concern; whereas progress in these areas is essential for advancing in the EU integration process; whereas strong political support is key to achieving progress in these areas;
- G. whereas the rights of minorities should be further advanced, especially those of the Roma minority and the LGBTI community; whereas the living conditions of the Roma in Albania are appalling and need to be swiftly improved, in particular as regards Roma people's access to registration, housing and education and the inclusion of Roma children in the educational system — from pre-school level to higher education;
- H. whereas social reforms are as important as political and legal ones; whereas Albania is striving to raise the level of social cohesion and needs strong support from the EU to do so, as well as more pronounced efforts by the Government to promote social dialogue as the third party, together with trade unions and employers' associations;
- I. whereas the existence of a professional, effective and merit-based public administration is of great significance for any country that aspires to become an EU member;
- J. whereas corruption and impunity for crimes continue to be widespread in Albanian society; whereas state institutions dealing with the fight against corruption remain vulnerable to political pressure and influence; whereas corruption among the judiciary and crime repression institutions remains a particularly serious problem;
- K. whereas each country's progress towards EU membership depends on its efforts to meet the Copenhagen criteria and comply with the conditions attached to the stabilisation and association process;
- L. whereas the enlargement policy needs to remain credible and be based on objective criteria to be met; whereas Albania is within reach of achieving candidate status, as it has complied with the criteria required to take this step;

General considerations

1. Welcomes and supports the analysis and recommendations of the 2013 Progress Report on Albania and calls on the Council to acknowledge the progress made by granting Albania candidate status without undue delay; urges the Albanian authorities and all political forces to consolidate the progress achieved so far;
2. Commends all political forces for the overall orderly conduct of the recent parliamentary elections and the smooth transition of power; recommends further enhancing public confidence in the electoral process, *inter alia* by strengthening the institutional independence of the Central Election Commission and the professionalism of election officials; considers it essential to sustain genuine political dialogue and cooperation among all parties and to find compromises as a key to progress in political processes;
3. Emphasises that all political parties and actors in Albania, including the media and civil society, should strive to improve the political climate there in order to allow dialogue and mutual understanding; calls, therefore, for a genuine commitment by all political parties, NGOs, trade unions and other stakeholders;
4. Underlines the fact that preparations for EU integration should have broad political and public support; encourages the Government to pursue the integration reforms in a consistent manner, involving all political forces and civil society; believes that the opposition also has an important role to play in this respect, and acknowledges its responsible political behaviour thus far; considers it important that Albania's civil society, media and citizens hold their leaders accountable for specific policy outcomes, particularly with regard to EU integration processes;

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5. Calls on the Albanian Government to enhance administrative capacities by continuing to implement public administration reforms and promoting depolarisation and knowledge of EU law and decision-making processes;
6. Notes the encouraging progress on the reform agenda and expresses confidence in Albania's potential and capacity for, and commitment to, further progress on its European path, provided that political forces continue to cooperate constructively; commends the adoption of key legislative reforms, such as the revision of the parliamentary Rules of Procedure, the adoption of the Civil Service Law and the amendments to the High Court Law; encourages Albania to show a track record in the effective implementation of these reforms;
7. Notes the remaining deficiencies in the implementation of the legislation and underlines the fact that implementation of the reform agenda needs to be intensified and a clear track record provided; invites both the ruling majority and the opposition to sustain cross-party cooperation in adoption and implementation of the key reforms;
8. Calls on Albania to implement the Civil Service Law in a timely and efficient manner, adopt the Law on General Administrative Procedure in due course and enhance the Law on the Organisation and Functioning of Public Administration; stresses the need for a stronger Department of Public Administration and a fully operational Human Resources Management Information System;
9. Expresses its satisfaction at the fact that European integration and modernisation of the country remain key priorities of the new Government; calls on Albania to continue delivering results under the key priorities of the Commission's 2010 Opinion, in particular as regards respect for the rule of law and the fight against corruption and organised crime, including by establishing sustainable track records of implementation and adopting the missing legislation; urges Albania to improve cooperation between the Ministry of European Integration and line ministries in order to enhance the European reform agenda;

Political criteria

10. Calls for further efforts on the part of both the Government and the Parliament to strengthen the independence, accountability, impartiality and efficiency of the judicial system, including the High Council of Justice and an independent General Prosecutor, appointed on the basis of transparent, impartial and merit-based criteria; urges the authorities to improve access to justice for all those in need of it, including through awareness-raising activities by the State Commission for Legal Aid and the establishment of the proposed local legal aid offices; calls on the authorities to strengthen the independence, efficiency and effectiveness of human rights structures, such as the offices of the Ombudsman and the Commissioner for Protection against Discrimination;
11. Insists on the fact that the Albanian justice system should be fully independent, more predictable, efficient and fair in order to ensure that citizens and the business community trust the judiciary; calls, therefore, on the authorities to guarantee the depoliticisation of the judiciary by establishing a merit-based and transparent process for appointing judges and prosecutors, as well as a solid track record of disciplinary proceedings, and by ensuring timely justice together with the unification of jurisprudence, the publication of, and easy access to, all judicial decisions immediately after adoption and the random allocation of cases in all courts;
12. Stresses the need to create a merit-based and professional public administration which operates transparently and is able to adopt laws and implement them; calls for the adoption of the necessary secondary legislation to ensure the proper implementation of the Civil Service Law, and for a new Law on General Administrative Procedures; stresses the need for a stronger Department of Public Administration as well as for a fully operational Human Resources Management Information System; underlines the fact that further efforts are needed to depoliticise public administration, fight corruption, strengthen meritocracy in appointments, promotions and dismissals and increase the efficiency and financial sustainability of public administration;
13. Welcomes the Government's intention to initiate and complete a major administrative and territorial reform before the 2015 local elections in the country; highlights, however, the importance of ensuring appropriate consultation with all local stakeholders and guaranteeing compliance of the reform with the provisions of the European Charter of Local Self-Government, including those for the protection of the rights of communities and those guaranteeing the political, administrative and financial independence of local governments;

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14. Stresses the need to further strengthen the political commitment to fight corruption at all levels, enhance institutional capacity and improve institutional coordination; calls for more efforts to uproot corruption within local governments; recognises the results in terms of the adoption of strategic documents in the field of anti-corruption; notes with satisfaction the fulfilment of all the recommendations of the third GRECO evaluation round, the appointment of a national anti-corruption coordinator and the Government's intention to appoint a watchdog within every ministry; insists on the need to implement the anti-corruption legislation in force in a consistent manner;

15. Calls for the Government to elaborate a clear mandate and action plan/strategy for the National Anti-Corruption Coordinator and to initiate the drafting of the new National Anti-Corruption Strategy, including clear indicators of results and follow-up and monitoring mechanisms; urges, moreover, the authorities responsible to clarify the role of the Department of Internal Control and Anti-Corruption and to enhance capacity in the area of internal control mechanisms, to provide the Joint Investigative Units with sufficient resources, to monitor the implementation of the anti-corruption strategy and action plans and to further develop track record results on investigations, prosecutions and convictions, including in cases of high-level corruption; urges the Albanian authorities to address the vulnerability to political attacks of the institutions dealing with the fight against corruption;

16. Reiterates the need to resolutely enforce reforms and regional cooperation in the fight against organised crime as well as to develop a solid track record of investigations, prosecutions and convictions at all levels, particularly in the fields of drugs manufacture and trafficking, trafficking in human beings, including minors, and illegal gambling; urges the Government to work towards developing a track record of financial investigations focusing on cases of inexplicable wealth and the connection of such wealth with criminal activities and organised crime; reiterates the need to further strengthen coordination between the law enforcement agencies;

17. Commends the Ombudsman for his work in promoting human rights, his openness towards vulnerable people and his cooperation with civil society organisations; 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; urges the Government and the Parliament to improve cooperation with the office of the Ombudsman; deplores the fact that, so far, the Ombudsman has not regularly been informed or consulted by the Government in a timely manner on relevant draft legislation; notes with concern that the budget allocated to the Ombudsman's office remains insufficient and has been further reduced; underlines the fact that the institution needs further financial and political support from both the Parliament and the Government in order to continue carrying out its duties; calls for a broad awareness campaign to highlight the role and importance of the institution;

18. Calls on the Parliament and the Government and other relevant state institutions to preserve and foster the integrity and independence of key institutions such as the state police, the High Council of Justice, the High Inspectorate for Declaration and Audit of Assets, the Audiovisual Media Authority and the National Institute of Statistics;

19. Is concerned by the continued existence of blood feuds in Albania, which not only trigger murder and violence but also force many children to stay home indefinitely, and thus have far-reaching social consequences affecting the lives of many thousands of people; notes that the number of blood feud murder cases is increasing; calls on the Albanian authorities to respond to the demand by the United Nations and the recommendations of the Ombudsman to create a reliable database, to activate the Coordinating Council for the Fight Against Blood Feuds set up in 2005 and to develop an action plan to tackle blood feuds;

20. Appreciates the improvement in the dialogue between civil society and the Government and stresses the need to consolidate the achievements and to deepen and expand it, both in the field of democracy, human rights and civil liberties and in shaping the legislative framework for new reforms; stresses the crucial role of civil society in regional cooperation on the social and political aspects; calls on the Government to facilitate the involvement of civil society actors in the policy-making process;

21. Welcomes the fact that the rights of minorities are generally respected, and that religious freedom is widespread; calls on the competent authorities to further improve the climate of inclusion and tolerance for all minorities in the country; is concerned that groups such as the Roma, persons with disabilities and LGBTI persons still suffer discrimination, including on the part of some state authorities; stresses that all minorities must be protected; urges the Government to ensure that the relevant legal provisions are comprehensively implemented and encourages the authorities to deploy further

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efforts in raising awareness of any type of discrimination; notes the importance of raising public awareness of the legal means at the disposal of citizens for filing complaints about various forms of discrimination;

22. Calls for further action to ensure the rights of the Roma minority, who still face frequent discrimination; calls, in this respect, for accelerated implementation of the action plan for the Roma Decade to strengthen Roma inclusion, for sufficient and appropriate financial resources to be allocated and for the legislation to be reviewed; underlines the fact that a key to resolving the problems of the Roma in Albania is registration and the provision of access to housing and education; calls urgently on the Government to take resolute action to provide the necessary conditions;

23. Calls for appropriate revision and implementation of the legislation, for the fostering of awareness-raising, education and other activities aimed at fighting discrimination against LGBTI persons, including sanctions for hate speech, and for the establishment of a track record in that regard;

24. Emphasises the critical importance of professional, independent and pluralist public service and private media as a cornerstone of democracy; stresses the importance of internet access, which is amongst the lowest in the region, and digital freedom;

25. Welcomes improvements to the legislative framework for audiovisual media through the adoption of the Law on Audiovisual Media; notes that the media environment is pluralistic and diverse; remains concerned at the political influence and interference in the media as well as at self-censorship, especially in the public media; stresses that additional efforts are required to fully guarantee the independence of the media regulatory authority and of the public broadcaster; calls for measures to protect journalists and their investigative work; stresses the importance of guaranteeing and promoting media pluralism in order to enhance freedom of expression and of ensuring transparency in media ownership and its funding; points to the need for a long-term strategy for the development of public service media in the new media system;

26. Notes with satisfaction the decision of the new administration to increase the number of women in senior government posts and hopes that this will have a positive impact in society at large; calls for zero tolerance of violence against women and for the elimination of any gender bias in legislation and its implementation;

27. Calls on the Government to increase efforts to enforce laws and the implementation of policies on women's rights and gender equality, with particular focus on protecting women against all forms of violence and their equal participation in public and political life; encourages further gender mainstreaming efforts at central and local levels;

28. Emphasises the need to improve the rights and quality of life of people dependent on the state, such as prisoners, orphans and the mentally ill;

29. Calls for further efforts to ensure the effective implementation of the strategy and action plan on property rights as this is one of the cornerstones of economic development; notes the steps taken to address the problem of illegal objects built all over the country; is concerned about the limited progress made on property registration and restitution; calls on the Government to communicate a clear plan and timetable for enforcement of judgments of the European Court of Human Rights regarding property rights;

30. Urges the Government to develop policies on renewable energy, to deal more effectively with the problem of waste management and to develop environmentally sustainable tourism; welcomes the recent civil society initiative regarding a referendum on the import of waste; strongly welcomes the vote by the Parliament on 10 October 2013 to annul the authorisation to import waste as laid down in law No 10463 of 22 September 2011;

31. Calls for measures to prevent an increase in unjustified asylum procedures following implementation of the visa exemption arrangements with the EU;

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Socio-economic reforms

32. Calls on the competent authorities to deal in a resolute manner with poor law enforcement and tax collection as well as with the large informal economy, all of which are hampering the country's social cohesion and economic prospects; encourages the new Government to enforce measures and legislation to promote employment, health and safety in the workplace, social security rights, the right to protection against discrimination on any grounds in the field of labour, equal pay for men and women and other labour-related laws, especially among young people and women;

33. Notes with concern the lack of progress in the field of social policy and employment; welcomes the new Government's intention to address this problem; is aware of the budgetary constraints but calls, nevertheless, for a reversal of the trend of reducing the budget for the implementation of social assistance and protection reforms; underlines the urgent need to provide social assistance to the most vulnerable groups among the unemployed; notes with serious concern that child labour remains an important challenge and calls on the Government to resolutely address this issue;

34. Underlines the fact that Albania has ratified the eight core labour rights conventions of the ILO; is concerned that only modest progress has been made in the field of labour rights and trade unions; calls on the Government to further strengthen labour and trade union rights; urges the Government to guarantee respect for labour laws, in both the private and public sectors, and to improve the tripartite social dialogue, both to enhance the role of trade unions and encourage wider support for implementing reform legislation; notes that dialogue has been interrupted since the mandate of the National Labour Council ended in March 2013 and that the bipartite social dialogue remains weak, particularly in the private sector; points out that social dialogue and respect for labour rights are cornerstones of a social market economy;

35. Stresses that special attention should be paid to protection of children's rights and calls for investment in early learning, especially for children from minority or marginalised groups, to prevent exclusion, and for targeted measures to ensure childcare, nutrition and family support to prevent the transmission of poverty across generations; stresses the need to immediately improve the situation of minors in judicial procedures, in accordance with best European practices; stresses the importance of ensuring proper financing of the public education system; urges the authorities to adopt the Strategy for Justice for Children; stresses the fact that corruption within the judiciary continues to specifically hamper anti-trafficking law enforcement and victim protection efforts;

Regional cooperation

36. Welcomes the stabilising role of Albania in the Western Balkans, in particular in its relations with neighbouring countries, some of which are home to a strong Albanian minority, and its contribution to religious harmony;

37. Welcomes the new Government's rejection of nationalistic discourse and its intention to develop a 'zero problems with neighbours' policy; stresses Albania's pivotal role in fostering good neighbourly relations in the Western Balkans; encourages Albania to continue with its constructive regional stance;

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

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P7_TA(2013)0597

Preparations for the European Council meeting (19 — 20 December 2013)**European Parliament resolution of 12 December 2013 on preparations for the European Council meeting (19-20 December 2013) (2013/2626(RSP))**

(2016/C 468/24)

The European Parliament,

- having regard to its resolutions of 12 June 2013 on strengthening European democracy in the future EMU⁽¹⁾, of 23 May 2013 on ‘future legislative proposals on EMU: response to the Commission communications’⁽²⁾ and of 21 November 2013 on the Commission communication entitled ‘Strengthening the social dimension of the Economic and Monetary Union (EMU)’⁽³⁾,
- having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas determined efforts have been made by the EU institutions and the Member States to restore financial credibility and stability, in particular through the adoption and implementation of structural reforms and the adoption of the new economic governance framework; whereas these efforts have to be completed by a true Banking Union;
- B. whereas better economic policy coordination is needed in order to enhance competitiveness, sustainability and job creation in the EU;
- C. whereas the ‘Community method’ is the appropriate approach in dealing with the challenges facing the EU and its currency;
- D. whereas all decisions should be underpinned by parliamentary scrutiny and accountability at the level at which they are taken;
- E. whereas full respect for, and thorough application of, EU law is the basic element of this policy;
- F. whereas in a rapidly changing and volatile geostrategic environment, marked by emerging security challenges, the US rebalancing towards the Asia-Pacific region, and the impact of the financial crisis, the EU needs to assume its responsibility as a credible security provider with real strategic autonomy, particularly in its neighbourhood, which will have the effect of enhancing its own security;
- G. whereas the only way for the heads of state and government to address these geopolitical trends and the uncoordinated decline in defence spending is to accelerate the coordination of defence cooperation;

On the Banking Union

1. Insists that the ‘Community method’ is the appropriate approach for dealing with the challenges facing the EU and its currency, including regulation of financial services and the Banking Union;
2. Reminds the European Council of the political commitment to the effect that the Single Resolution Mechanism should be agreed before the end of the current legislative term; calls on the European Council to reiterate its demand to the Council of Ministers that the negotiations on the Deposit Guarantee Directive and the recovery and resolution framework be concluded successfully before the end of 2013;

⁽¹⁾ Texts adopted, P7_TA(2013)0269.

⁽²⁾ Texts adopted, P7_TA(2013)0222.

⁽³⁾ Texts adopted, P7_TA(2013)0515.

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On deepening EMU

3. Calls on the European Council to make a political commitment with regard to the legislative preparation, on the basis of the Treaties, of better economic policy coordination; expects Parliament and the other EU institutions to agree on the key features of this better economic policy coordination before the end of the current legislative term;
4. Requests that, on the basis of the aforementioned better economic policy coordination, a legal act on 'convergence guidelines' be adopted under the ordinary legislative procedure, laying down, for a set period, a very limited number of targets for the most urgent reform measures;
5. Reiterates its request that the Member States ensure that the national reform programmes, which should be established on the basis of the aforementioned convergence guidelines and verified by the Commission, are discussed and adopted by their national parliaments; considers this essential in order to strengthen ownership, and the democratic accountability, of the whole process;
6. Considers it appropriate for the Member States to commit themselves to fully implementing their national reform programmes, as verified; suggests that, on this basis, the Member States could enter into a 'convergence partnership' with the EU institutions, with the possibility of conditional funding for reform activities;
7. Reiterates that stronger economic cooperation should go hand in hand with an incentive-based mechanism; considers that any additional funding or instruments, such as a solidarity mechanism, must be an integral part of the EU budget, but outside the agreed multiannual financial framework (MFF) ceilings;
8. Recalls that the Treaty on Stability, Coordination and Governance (TSCG) has to be integrated into EU law by 1 January 2018 at the latest, on the basis of an assessment of the experience with its implementation, as stipulated in Article 16 of the TSCG;
9. Recalls its fundamental position that the strengthened EMU should not divide the EU but, on the contrary, establish deeper integration and stronger governance, which should be open to all non-euro Member States on a voluntary basis;
10. Calls on the European Council to comply fully with Article 15(1) of the Treaty on European Union (TEU);

On defence policy

11. Takes the view that, in a rapidly changing and volatile geostrategic environment marked by emerging security challenges, the US rebalancing towards the Asia-Pacific region, and the impact of the financial crisis, the EU needs, without duplicating existing activities within the NATO framework, to assume its responsibility as a global political player and a credible security provider, particularly in its neighbourhood and with real strategic autonomy, in order to promote international peace and security, to protect its interests in the world and to ensure the security of its citizens; underlines, in this connection, the need for the EU to be consistent in its policies and faster and more efficient in taking up the aforementioned responsibilities;
12. Notes that the EU is currently facing significant financial constraints and that the Member States, for financial, budgetary and political reasons alike, which may or may not be related to the eurozone crisis, are undergoing a phase of uncoordinated reductions in their levels of defence spending; highlights the potential negative impact of these measures on their military capabilities and, therefore, on the EU's ability to assume its responsibilities effectively in the areas of peacekeeping, conflict prevention and the strengthening of international security;
13. Takes the view that, in order to address the above-mentioned challenges, the EU heads of state and government must seize the opportunity afforded by the December 2013 Council by taking a clear stance in favour of a stronger European defence system;
14. Welcomes, in this connection, the Commission communication of 24 July 2013 entitled 'Towards a more competitive and efficient defence and security sector' (COM(2013)0542) and the final report of 15 October 2013 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy/Head of the European Defence Agency;

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15. Calls on the European Council to implement the suggestions made in Parliament's reports on the Common Foreign and Security Policy, the Common Security and Defence Policy (CSDP) and the European Defence Technological and Industrial Base (EDTIB);
16. Believes that the Member States must first commit to overcoming the CSDP's operational shortcomings by pledging their support for both CSDP civilian missions and military operations, notably through capability contribution;
17. Underlines the fact that the Lisbon Treaty introduced several new instruments relating to the CSDP, which have not yet been put into practice; emphasises, in this connection, the necessity of implementing those provisions in order to further strengthen the CSDP, and calls on the Council to take full advantage of the aforementioned instruments (such as permanent structured cooperation among Member States (Article 46(6) TEU), the start-up fund (Article 41(3) TEU) and the possibility of entrusting CSDP missions and operations in particular to that group of Member States (Articles 42(5) and 44 (1) TEU));
18. Highlights the importance of launching a process of strategic reflection with a view to defining EU objectives and priorities and setting out a roadmap, with timelines, for deeper defence cooperation (a White Book that would serve as a framework to reflect on national processes);
19. Calls on the Council to engage in enhanced cooperation in the field of armament, notably by empowering the European Defence Agency to play its full role in promoting coordination, overseeing commitments, prioritising investment in technologies (including strategic enablers such as air-to-air refuelling, satellite communication, strategic airlift, remotely piloted air systems, cyber defence and the Single European Sky), agreeing on the greater use of coalitions of the willing/core groups, and finding a workable solution for the use of Battlegroups;
20. Calls on the Member States to pledge their support for a robust EDTIB which can overcome the fragmentation, and enhance the creativity and strength, of European industries through closer coordination of the planning of national defence budgets (potentially through the setting-up of a 'European Semester' for defence issues) and closer coordination at the industry level (harmonisation of standards and certification of defence equipment); calls for the provision of further incentives and support for the defence industry, with a commitment to the development of key defence technologies and systems (tax incentives, financial support for research and development, and the institutionalisation of synergies between civilian and military capabilities);
21. Calls on the Member States significantly to deepen their cooperation and coordination on those aspects of defence which are relevant for an effective CSDP; calls on the Member States to be much more ambitious regarding the pooling and sharing process;
22. Emphasises that the EU's strength, as compared with other organisations, lies in its unique potential to mobilise the full range of political, economic, development and humanitarian instruments to support its civilian and military crisis management, missions and operations under the roof of a single political authority — the VP/HR — and that this comprehensive approach, whether through its 'soft power' or through more robust actions where necessary, gives it unique and widely appreciated flexibility and efficiency;
23. Supports the creation of a Council of Defence Ministers to give defence the weight it deserves;
24. Urges the heads of state and government, in view of the strategic importance of European defence and the scale of the challenges facing the Union, to revisit in December 2015 the progress made in implementing the December 2013 Council conclusions, on the basis of an implementation report by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy;
25. Is deeply concerned about the political situation in Ukraine in the aftermath of the Vilnius Summit and calls on the Council to address it;

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26. Instructs its President to forward this resolution to the European Council and the Commission.
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P7_TA(2013)0598

Constitutional problems of a multitier governance in the EU

European Parliament resolution of 12 December 2013 on constitutional problems of a multitier governance in the European Union (2012/2078(INI))

(2016/C 468/25)

The European Parliament,

- having regard to the Treaty on the European Union and the Treaty on the Functioning of the European Union,
- having regard to the Treaty on the European Stability Mechanism (ESM) ⁽¹⁾,
- having regard to the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG) ⁽²⁾,
- having regard to the ‘six-pack’ ⁽³⁾,
- having regard to the ‘two-pack’ ⁽⁴⁾,
- 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 ⁽⁵⁾,
- having regard to its position of 12 September 2013 on the proposal for a Council regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽⁶⁾,
- having regard to the report of 5 December 2012 of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup entitled ‘Towards a genuine Economic and Monetary Union’ ⁽⁷⁾,
- having regard to the Commission communication of 28 November 2012 entitled ‘A blueprint for a deep and genuine economic and monetary union — Launching a European debate’ (COM(2012)0777),
- having regard to its resolution of 20 November 2012 with recommendations to the Commission on the report of the Presidents of the European Council, the European Commission, the European Central Bank and the Eurogroup entitled ‘Towards a genuine Economic and Monetary Union’ ⁽⁸⁾,
- having regard to its resolution of 23 May 2013 on future legislative proposals on EMU ⁽⁹⁾,
- having regard to its resolution of 12 June 2013 on strengthening European democracy in the future EMU ⁽¹⁰⁾,
- having regard to Rule 48 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Employment and Social Affairs (A7-0372/2013),

⁽¹⁾ Treaty Establishing the European Stability Mechanism (ESM)

⁽²⁾ Treaty on Stability, Coordination and Governance in the Economic and Monetary Union

⁽³⁾ OJ L 306, 23.11.2011.

⁽⁴⁾ OJ L 140, 27.5.2013.

⁽⁵⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁶⁾ Texts adopted, P7_TA(2013)0372.

⁽⁷⁾ <https://www.ecb.europa.eu/ssm/pdf/4preport/fourpresidentsreport2012-12-05EN.pdf>

⁽⁸⁾ Texts adopted, P7_TA(2012)0430.

⁽⁹⁾ Text adopted, P7_TA(2013)0222.

⁽¹⁰⁾ Text adopted, P7_TA(2013)0269.

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- A. whereas differentiation is a constitutive feature of the process of European integration and a means to allow its progress and guarantee substantial respect for the principle of equality, understood as the equal treatment of equal situations and the unequal treatment of unequal situations;
- B. whereas differentiated integration should continue to act as a forerunner for deepening European integration, as it is started by a subgroup of Member States, remains open to all Member States and aims at complete integration into the Treaties;
- C. whereas differentiated integration takes two forms: 'multi-speed', in which states seek to achieve the same goals according to different timeframes, and 'multi-tier', in which states agree to differ in their goals;
- D. whereas differentiation must not undermine Union citizenship, which is the fundamental status of Member States' nationals, enabling those who find themselves in the same situation to enjoy, within the scope of the Treaty, the same treatment in law, irrespective of their nationality;
- E. whereas any differentiation will respect and thus reinforce the unity of the European legal order and its effectiveness and coherence, the principle of non-discrimination on grounds of nationality, the establishment of the area of freedom, security and justice without internal frontiers and the functioning of the internal market;
- F. whereas differentiation may be resorted to where common action at any given time is not possible or feasible;
- G. whereas differentiation is and should always be embedded in the single institutional framework of the European Union;
- H. whereas differentiated integration has to respect the principle of subsidiarity according to Article 5 TEU and Protocol 2 on the application of the principles of subsidiarity and proportionality;
- I. whereas the Treaties provide for several options and instruments for differentiated integration, including limitation of the territorial scope of application, safeguard clauses, derogations, opt-outs, opt-ins, enhanced cooperation, and provisions specific to Member States whose currency is the euro, provided such instruments respect the unity, effectiveness and coherence of the European legal order and are embedded in the single institutional framework (the Community method);
- J. whereas some Member States have obtained an opt out from different EU policies — as laid down in different Protocols to the Treaties — which may jeopardise the unity, effectiveness and coherence of the European legal order;
- K. whereas derogations under Article 27(2) TFEU allow differentiation between certain Member States within a legal act that is addressed to all Member States, still with the aim of progressively establishing and ensuring the functionality of the internal market;
- L. whereas the Treaty on the Functioning of the European Union contains, in its Articles 114(4) and (5), 153(4), 168(4), 169(4) and 193, safeguard clauses that enable Member States to maintain or introduce more stringent protective measures within the scope of application of a legal act that is addressed to all Member States;
- M. whereas enhanced cooperation requires the participation of at least nine Member States in a field covered by a non-exclusive Union competence, allows non-participating Member States to participate in deliberations but not in voting, and is open at any time to all Member States;
- N. whereas the enhanced cooperation procedure allows, as a last resort, for the adoption of measures binding a subgroup of Member States after an authorisation granted by the Council by a qualified majority and within the field of the CFSP after an authorisation granted by unanimity;

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- O. whereas this mechanism is already being used for trans-EU divorce law and for European patent law, and was approved by the European Parliament and the Council in the context of taxation for the establishment of a financial transaction tax;
- P. whereas in the field of common foreign and security policy, clusters of states are enabled to tackle specific tasks or missions, and in the field of common security and defence policy, the establishment of a permanent core group of militarily-capable states is envisaged;
- Q. whereas historically, the Schengen Agreement of 1986 and the Schengen Convention of 1990, signed by a subgroup of Member States which replaced frontier controls among themselves; the Agreement on Social Policy of 1991 between a subgroup of Member States, which extended former EC competences in the field of employment and social rights allowing for qualified majority voting; and the Prüm Convention of 2005 between a subgroup of Member States and Norway on exchange of data and cooperation against terrorism, represent forms of differentiated integration;
- R. whereas the Schengen acquis was integrated into the Treaties by the Amsterdam Treaty, with opt-outs for the UK, Ireland and Denmark;
- S. whereas the UK and Ireland may at any time request to take part in some or all of the provisions of the Schengen acquis, and whereas Denmark remains bound by the original Schengen Agreement and Convention;
- T. whereas the Prüm Convention has been partially integrated into the EU legal framework;
- U. whereas the Agreement on Social Policy was integrated into the Treaties by the Treaty of Amsterdam without any opt-out;
- V. whereas the Treaties provide several ways forward regarding employment and social policies, the potential of which has not been fully exploited in particular with regard to Article 9 TFEU, Article 151 TFEU and Article 153 TFEU, but also more generally with regard to Article 329 TFEU; whereas greater social convergence can therefore be attained without Treaty change and without prejudice to the subsidiarity principle;
- W. whereas the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (the 'Fiscal Compact') were concluded in an intergovernmental setting outside the Treaties;
- X. whereas the European Financial Stability Facility (EFSF) and the ESM are agreements under international law concluded by the Member States whose currency is the euro;
- Y. whereas the necessary steps must be taken, in accordance with the TEU and the TFEU, to incorporate the substance of the TSCG, concluded under international law by all the Member States except for the United Kingdom and the Czech Republic, into the legal framework of the Union within five years, at most, of the date of entry into force of the TSCG, on the basis of an assessment of the experience of its implementation;
- Z. whereas the Euro Plus Pact, the Europe 2020 strategy and the Compact for Growth and Jobs should be integrated into Union law and pave the way for the introduction of a convergence code for Member States' economies;
- AA. whereas international agreements outside the legal framework of the EU which aim at realising the objectives of the Treaties have been used as an absolute ultima ratio instrument for differentiated integration, providing for an obligation to integrate the content of the international agreement concerned into the Treaties;
- AB. whereas the establishment of the EMU represented a qualitative step in integration, defining a model of multi-tier governance which affects both institutions and procedures;
- AC. whereas one Member State has, if it so wishes, a permanent derogation from joining the euro (Protocol No 15) and another has a constitutional exemption (Protocol No 16);

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- AD. whereas in the area of monetary policy the provisions concerning the ECB foresee a differentiation in the institutional structure, with the Governing Council as the main decision-making body with members only from Member States whose currency is the euro and the General Council associating the non-euro Member States, as well as in the financial structure, with the national central banks of all Member States as subscribers to the capital of the ECB (Article 28.1 of the ECB Statute), but with only the national central banks of the Member States whose currency is the euro paying up their subscribed share of the capital of the ECB (Article 48.1 of the ECB Statute);
- AE. whereas Article 127(6) TFEU empowers the Council to confer specific tasks on the ECB concerning policies relating to the prudential supervision of credit institutions and other financial institutions, with the exception of insurance undertakings, and has been used as the legal basis for a regulation which establishes the Single Supervisory Mechanism (SSM) for the eurozone and foresees a voluntary participation of non-euro Member States by establishing close cooperation with the ECB;
- AF. whereas Article 139 TFEU exempts Member States with derogations from the application of specific treaty provisions and from the related voting rights;
- AG. whereas Articles 136 and 138 TFEU foresee a specific form for adopting measures applicable to Member States whose currency is the euro, with a Council vote limited to the representatives of those Member States and, where required by the procedure, a vote of the entire European Parliament;
- AH. whereas Article 136 TFEU has already been used in conjunction with Article 121.6 for adopting regulations;
- AI. whereas, in the area of research, technology development and space, Article 184 TFEU provides for supplementary programmes to the multiannual framework programme which may involve only a subgroup of Member States who finance them subject to possible Union participation, but which are adopted in accordance with the ordinary legislative procedure involving the entire Council and the entire European Parliament, subject to the agreement of the Member States concerned by these supplementary programmes;
- AJ. whereas, according to Article 21 of Regulation (EU, Euratom) No 966/2012, the principle of the universality of the budget does not prevent a group of Member States from assigning a financial contribution to the EU budget or a specific revenue to a specific item of expenditure, as is already happening, for instance, in the case of the high flux reactor under Decision 2012/709/Euratom;
- AK. whereas Article 137 TFEU and Protocol 14 establish the Eurogroup as an informal body;
- AL. whereas the smooth functioning of the EMU requires full and swift implementation of the measures already agreed upon under the reinforced economic governance framework, such as the reinforced Stability and Growth Pact (SGP) and the European semester, complemented with growth-enhancing policies;
- AM. whereas a deeper EMU requires stronger competences, financial resources and democratic accountability, and whereas its establishment should follow a two-step approach based on, firstly, the immediate full use of the potentialities of the existing Treaties and, secondly, a Treaty change to be defined by a Convention;
- AN. whereas, in order to be effective, legitimate and democratic, the governance of the EMU should be based on the institutional and legal framework of the Union;
- AO. whereas democratic legitimacy and accountability must be assured at the level at which decisions are taken;
- AP. whereas the EMU is established by the Union, whose citizens are directly represented at Union level by the European Parliament;

Principles

1. Reiterates its call for a genuine EMU enhancing the Union's competences, in particular in the field of economic policy, and strengthening its budgetary capacity and the role and democratic accountability of the Commission and the prerogatives of Parliament;

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2. Is of the opinion that such an increased budgetary capacity should be based on specific own-resources (including an FTT) and a budgetary capacity which should, in the framework of the Union budget, support growth and social cohesion, addressing imbalances, structural divergences and financial emergencies which are directly connected to the monetary union, without undermining its traditional functions to finance common policies;
3. Welcomes the Commission's 'Blueprint'; calls on the Commission to make legislative proposals as soon as possible, under codecision where legally possible, for its implementation without delay, including further budgetary coordination, the extension of deeper policy coordination in the field of taxation and employment, and the creation of a proper fiscal capacity for the EMU to support the implementation of the policy choices; stresses that some of these elements will require amending the Treaties;
4. Believes that rapid action is required within each of the four building blocks contained in the report entitled 'Towards a Genuine Economic and Monetary Union', as presented by Presidents Van Rompuy, Juncker, Barroso and Draghi, in particular:
 - (a) an integrated financial framework to ensure financial stability, in particular in the euro area, and minimise the cost of bank failures to European citizens; such a framework elevates responsibility for supervision to the European level, and provides for common mechanisms to resolve banks and guarantee customer deposits;
 - (b) an integrated economic policy framework which has sufficient mechanisms to ensure that national and European policies are in place that promote sustainable growth, employment and competitiveness, and are compatible with the smooth functioning of EMU;
 - (c) ensuring the necessary democratic legitimacy and accountability of decision-making within the EMU, based on the joint exercise of sovereignty for common policies and solidarity;
5. Is of the opinion that a better and clearer division of competences and resources between the EU and the Member States can and must go hand in hand with a stronger parliamentary ownership and accountability with regard to national competences;
6. Reiterates that to be effectively legitimate and democratic, the governance of a genuine EMU must be placed within the institutional framework of the Union;
7. Considers differentiation to be a useful and appropriate tool to promote deeper integration, which, to the extent that it safeguards the integrity of the EU, can prove essential to achieving a genuine EMU within the Union;
8. Stresses that the existing differentiated integration procedures under the Treaties allow taking a first step in the establishment of a genuine EMU which is fully consistent with the requirements of stronger democratic accountability, increased financial resources and better decision-making capacity and calls on all institutions to proceed swiftly by maximising the possibilities afforded by the existing Treaties and their elements of flexibility and at the same time to prepare for the necessary Treaty changes in order to guarantee legal certainty and democratic legitimacy; reiterates that the option of a new intergovernmental agreement should be excluded;
9. Stresses that the treaty changes necessary for the completion of a genuine EMU and the establishment of a Union of citizens and states can build on the existing instruments, procedures, practices and philosophy of differentiated integration while improving their effectiveness and coherence and confirms that it will make full use of its prerogative to submit to the Council proposals for the amendment of the Treaties, which subsequently need to be examined by a Convention, in order to complete the framing of a genuine EMU;
10. Recalls that the debate on multi-tier governance does not overlap with the issue of multi-level governance, which relates to the balance of powers and the involvement of national, regional and local authorities;
11. Emphasises that to be consistent with its nature of a means to promote integration, safeguard the unity of the EU and guarantee substantial respect of the principle of equality, differentiation must remain open and has to aim at finally including all Member States;

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12. Stresses that a balance between employment policy and economic policy pursuant to Article 121 TFEU and Article 148 TFEU is necessary for a positive development of the EU;

Procedures

13. Is of the opinion that differentiation should preferably be done, wherever possible, within a legal act addressed to all Member States by means of derogations and safeguard clauses, instead of a priori excluding some Member States from the territorial scope of application of a legal act; underlines nevertheless that a high number of derogations and safeguard clauses undermine the unity of the EU as well as the consistency and effectiveness of its legal framework;

14. Takes the view that the coordination of economic, employment and social policies belongs to the category of shared competences, which according to Article 4(1) TFEU comprises all the areas which are not included into the exhaustive lists of exclusive or supporting competences;

15. Is of the opinion that, as a consequence, the specificity of measures adopted under Article 136 TFEU does not relate only to the fact that those measures are specific to Member States whose currency is the euro, but also implies that they can have greater binding force; and that Article 136 TFEU allows the Council, on a recommendation from the Commission and with the vote of only the Member States whose currency is the euro, to adopt binding economic policy guidelines for the euro area countries in the framework of the European Semester;

16. Stresses that, where some Member States want not to take part in the adoption of a legal act in the field of the Union's non-exclusive competences, an enhanced cooperation in accordance with the relevant Treaty provision should be established instead of concluding international agreements outside the framework of the EU legal order;

17. Considers that Article 352 TFEU, which empowers the Council to adopt appropriate measures to attain one of the objectives set out in the Treaties if the Treaties have not provided the necessary powers, can be used in conjunction with Article 20 TEU, thus allowing the activation of the flexibility clause, where unanimous consensus cannot be achieved in the Council through the mechanism of enhanced cooperation;

18. Calls on the Member States, in circumstances where there is a divergence in political direction between Member States preventing progress, to expand the principle of enhanced cooperation to social and employment policies;

19. Considers that the inclusion of expenditure resulting from implementation of enhanced cooperation in the EU budget as other revenue or as a specific own resource is necessary in order to ensure compliance with the principles of EU budget law and to safeguard the pivotal position of the European Parliament as budgetary authority;

20. Calls for a systematic use of Article 333(2) TFEU when establishing an enhanced cooperation within a field covered by a non-exclusive Union competence that refers to a special legislative procedure, and calls on the Council to adopt a decision by unanimous vote of the participating Member States stipulating that, for the purpose of the enhanced cooperation, they intend to act under the ordinary legislative procedure;

21. Calls, where possible, for a systematic use of the bridging clause of Article 48(7) TEU in procedures other than enhanced cooperation in order to strengthen the democratic legitimacy and the effectiveness of the EMU governance;

22. Considers that, when the use of the bridging clause is not possible, as for instance in the case of the adoption of the economic policy and employment guidelines or the Annual Growth Survey, the possibility of concluding interinstitutional agreements of a binding nature should be fully made use of;

23. Recalls that the purpose of Article 48 TEU is also to guarantee the democratic legitimacy of any treaty change by the requirement of the mandatory involvement of the European Parliament in the amendment procedure and of the national parliaments in the subsequent ratification procedure;

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24. Disagrees with the term ‘contractual arrangements’ and encourages a search for better ways to formally link the funds made available under the competitiveness and convergence instrument (CCI) and the structural reforms, and reiterates that the lack of Union competences and of Union powers can be overcome, where necessary, by using the appropriate procedures laid down in the Treaties or, in the absence of an appropriate legal basis, by amending the Treaties;

Democracy and Institutions

25. Recalls that, according to article 3.4 TEU, the EMU is established by the Union and its functioning must be founded on representative democracy;

26. Stresses that the European Parliament is the only EU institution in which citizens are directly represented at Union level and is the parliamentary body of the EMU, and that its appropriate involvement is essential for ensuring the democratic legitimacy and functioning of the EMU and is a precondition for any further step towards a banking union, a fiscal union and an economic union;

27. Stresses that proper legitimacy and accountability must be ensured at national and EU levels by national parliaments and the European Parliament respectively; recalls the principle set out in the conclusions of the December 2012 European Council meeting that ‘throughout the process, the general objective remains to ensure democratic legitimacy and accountability at the level at which decisions are taken and implemented’;

28. Regrets therefore the lack of parliamentary scrutiny of the Troika, the EFSF and the ESM;

29. Takes the view that any formal differentiation of parliamentary participation rights with regard to the origin of Members of the European Parliament represents discrimination on grounds of nationality, the prohibition of which is a founding principle of the European Union, and violates the principle of equality of Union citizens as enshrined in Article 9 TEU;

30. Considers that, in the case of measures adopted in accordance with Article 136 TFEU or of the establishment of an enhanced cooperation, the asymmetry deriving from the involvement, on the one hand, of the representatives of the Member States whose currency is the euro in Council (or of the representatives of the participating countries) and, on the other hand, of the European Parliament and the Commission as representing all the Union’s citizens and promoting its general interest, is fully coherent with the principles of differentiation and does not reduce but, on the contrary, enhances the legitimacy of those measures;

31. Stresses that the internal rules of the European Parliament offer a sufficient margin of manoeuvre to organise specific forms of differentiation on the basis of political agreement within and among the political groups in order to provide for appropriate scrutiny of the EMU; recalls that Article 3(4) TEU states that ‘the Union shall establish an economic and monetary union whose currency is the euro’, and that Protocol 14 on the Eurogroup refers to ‘the need to lay down special provisions for enhanced dialogue between the Member States whose currency is the euro, pending the euro becoming the currency of all Member States’; points out that, if this supposedly transitory situation is to last, an appropriate accountability mechanism for the current euro area and the Member States committed to joining must be considered within Parliament;

32. Considers it important to intensify cooperation with national parliaments, on the basis of Article 9 of Protocol No 1 annexed to the Treaties, and welcomes the agreement on the establishment of an interparliamentary conference in discussing budgetary and economic policies; stresses nevertheless that this cooperation should not be seen as establishing a new joint parliamentary body, which would be both ineffective and illegitimate from a democratic and constitutional point of view, and reaffirms that there is no substitute for a formal strengthening of the full legitimacy of the European Parliament, as a parliamentary body at Union level, with a view to reinforcing the democratic governance of the EMU;

33. Stresses that the Euro Summit and the Eurogroup are informal bodies for discussion and not institutions for decision-making in the governance of the Economic and Monetary Union;

34. Emphasises the pivotal role of the Commission in EMU governance, as also confirmed by the Fiscal Compact and the ESM treaties, in guaranteeing the legal order of the EU treaties and in serving the common interest of the Union as a whole;

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Differentiated integration within the existing Treaties: Towards a genuine EMU

35. Believes that the Community method should be used for all measures aimed at strengthening the EMU; recalls Article 16 of the TSCG, which states that, within five years, at most, of the date of entry into force of that Treaty, on the basis of an assessment of the experience with its implementation, the necessary steps must be taken, in accordance with the Treaty on the European Union and the Treaty on the Functioning of the European Union, with the aim of incorporating the substance of the Treaty into the legal framework of the European Union;

36. Stresses that Member States whose currency is the euro and those committed to adopting it need to redouble their efforts to strengthen stability and compliance with the Treaty, and to increase competitiveness, efficiency, transparency and democratic accountability; recalls that the euro is the currency of the European Union, and that all Member States except those with a derogation are expected to adopt the euro in due course;

37. Notes that, to mitigate the crisis and respond to structural shortcomings in the architecture of the economic and monetary union, national governments and European institutions have implemented a wide range of measures to safeguard financial stability and improve economic governance; notes that these decisions, such as certain provisions of the six-pack and the creation of the ESM, only concern the euro area members;

38. Welcomes the creation of a single supervisory mechanism covering the euro area and open to all other EU Member States; stresses that establishing a single resolution mechanism for banks is an indispensable step in setting up a genuine banking union; considers that, to overcome the structural deficiencies inherent in the economic and monetary union and to effectively curb the pervasive moral hazard, the proposed 'banking union' should draw on the earlier reform of the Union financial services sector, as well as the strengthened economic governance, especially in the euro area, and the new budgetary framework of the European Semester, to ensure greater resilience and competitiveness of the Union banking sector, increased confidence in it, and enhanced capital reserves to prevent Member States' public budgets having to bear the costs of banks' bail-outs in the future;

39. Is extremely worried about the delays in setting up the banking union and the practical modalities of direct banking recapitalisation by the ESM; is alarmed, in particular, by the ongoing fragmentation of the EU banking system; emphasises that a robust and ambitious banking union is a key component of a deeper and genuine EMU and a key policy on which Parliament has been insisting for more than three years, in particular since the adoption of its positions on the European Banking Authority regulation;

40. Considers the provision of the SSM regulation which requires the consent of the European Parliament for the appointment of the chair and the vice-chair of the Supervisory Board to be an important precedent for an enhanced role of the EP in an EMU governance based on differentiation;

41. Supports new solidarity instruments, such as the 'convergence and competitiveness instrument' (CCI); considers that the CCI concept could enhance the ownership and effectiveness of economic policy; stresses that such instruments must be drafted in such a way as to avoid any legal uncertainty and a widening of the Union's democratic deficit;

42. Calls on the Commission to bring forward, under the European Semester, a proposal to adopt a convergence code based on the Europe 2020 strategy and establishing a strong social pillar; insists that national implementation programmes must ensure that the convergence code is implemented by all Member States, supported by an incentive-based mechanism;

43. Stresses that an incentive mechanism would reinforce the binding nature of economic policy coordination;

44. Points out that the creation of an incentive-based enforcement mechanism aimed at increasing solidarity, cohesion and competitiveness must go hand in hand with additional layers of economic policy coordination, as stated in the Commission declaration accompanying the 'two-pack', so as to comply with the principle that 'steps towards more responsibility and economic discipline are combined with more solidarity';

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45. Stresses that the mechanisms for ex-ante coordination, and convergence and competitiveness instruments, should apply to all Member States which have adopted the euro as their currency, with the possibility for other Member States to join on a permanent basis; calls on the Commission to provide for such compulsory validation by national parliaments in forthcoming legislative proposals, as well as to ensure greater involvement of the two sides of industry in economic coordination;

46. Is of the opinion that any proposed new CCI should be based on conditionality, solidarity and convergence; believes that such an instrument should only be launched after social imbalances and the need for major long-term and sustainable growth-enhancing structural reforms have been identified on the basis of an assessment of the coherence between the convergence code and national implementation plans, with the proper formal involvement of the European Parliament, the Council and national parliaments;

47. Is of the opinion that the CCI should be a vehicle for increased budgetary capacity and be geared towards conditional support for structural reforms, with the aim of enhancing competitiveness, growth and social cohesion, ensuring closer coordination of economic policies and sustained convergence of the economic performance of the Member States, and addressing imbalances and structural divergences; considers such instruments to be building blocks towards a genuine fiscal capacity;

48. Considers the establishment of this instrument to be an initial phase in strengthening the fiscal capacity of the EMU and stresses that the financial resources of the CCI must be an integral part of the EU budget, but outside the MFF ceilings, so as to respect the EU Treaties and EU law and ensure that the European Parliament is fully involved as the budgetary authority by, inter alia, allowing a case-by-case adoption of the relevant budgetary appropriations;

49. Calls for the inclusion of a new own resource financed by contributions paid by Member States participating in the CCI under a modified Own Resources Decision and by assigning the revenue of this new own resource to the expenditure of the CCI, and calls for an amendment of the Own Resources Decisions or, if this is not possible, for the use of the revenue of the Financial Transaction Tax as other revenue in order to compensate such direct contributions;

50. Insists that at the spring European Council the President of Parliament should present Parliament's views on the annual growth survey; takes the view that an interinstitutional agreement should be negotiated in order to involve Parliament in the approval of the annual growth survey and of the economic policy and employment guidelines;

51. Reiterates its call for strengthening the social dimension of EMU, while reaffirming that employment policy and social policy are Union policies;

52. Reiterates that, according to the Treaties, the promotion of high employment and guarantee of adequate social protection have to be taken into account in defining and implementing the policies and activities of the Union; calls for the establishment of employment and social benchmarks to complement fiscal and macroeconomic indicators, as well as progress reports on structural reforms, the aim being to ensure an appropriate and efficient level of social investment and, therefore, the sustainability of a social European Union in a long-term perspective;

53. Welcomes the fact that, on 2 July 2013, the Commission, following the two-pack agreements, set up an expert group under the chairmanship of Ms Gertrude Tumpel-Gugerell, tasked with thoroughly assessing the main features of a potential redemption fund and eurobills, including any legal provisions, financial architecture and complementary budgetary frameworks, and intends to position itself on these matters after the expert group's report has been submitted;

54. Considers that the operations of the EFSF/ESM and any future similar structure should be subject to regular democratic control and oversight by the European Parliament; takes the view that the ESM should be fully incorporated within the framework of the Union;

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55. Points out that the troika must be held properly accountable; is of the opinion that the Commission should report regularly on behalf of the Troika to the European Parliament, by means of regular reporting; recalls that EU participation in the 'troika' system should be subject to democratic scrutiny by, and accountability to, Parliament;

Differentiated integration and Treaty changes

56. Considers that any future treaty change should affirm differentiated integration as a tool for achieving further integration while safeguarding the unity of the Union;

57. Takes the view that a future treaty change may introduce a new tier of associate membership, including a partial integration into specific Union policy areas, as a means to strengthen the European Neighbourhood Policy;

58. Considers that a future treaty change should affirm the Eurosummit as an informal configuration of the European Council, as provided for in Title V of the TSCG;

59. Suggests making the Eurogroup an informal configuration of the Economic and Financial Affairs Council;

60. Calls for the Commissioner for Economic and Financial Affairs to be a Treasury Minister and a permanent Vice-President of the Commission;

61. Calls for a switch, with limited exceptions, of the voting procedures in the Council which require unanimity to qualified majority, and for the existing special legislative procedures to be converted into ordinary legislative procedures;

62. Calls for the introduction of a legal basis in order to establish Union agencies which may carry out specific executive and implementing functions conferred upon them by the European Parliament and the Council in accordance with the ordinary legislative procedure;

63. Considers the reversed qualified majority voting in the Fiscal Compact more as a political declaration than an effective decision making instrument, and calls therefore for the integration of the RQM into the Treaties, especially in Article 121, 126 and 136, in such a way that the proposals or recommendations submitted by the Commission may enter into force if no objection has been expressed by Parliament or the Council within a certain predefined period, in order to ensure fully-fledged legal certainty;

64. Calls for the amendment of Article 136 TFEU in order to open its scope to voluntary participation by non-euro Member States, providing for full voting rights in line with the enhanced cooperation procedure, and calls for the dropping of the restrictions under Article 136 TFEU and for the upgrading of this article into a general clause for the adoption of legal acts concerning the coordination and setting of legally-binding minimum standards with regard to economic, employment and social policy;

65. Calls for the extension of the legal base in Art. 127(6) TFEU to all financial institutions including insurance undertakings that are established within the internal market;

66. Calls for the inclusion of Parliament in the appointment procedure of the President, Vice-President and other members of the Executive Board of the ECB in Article 283 TFEU, by requiring that it consents to the recommendations of the Council;

67. Calls on the next Convention to examine the possibility of introducing a special legislative procedure requiring four fifths of the votes in the Council and a majority of Parliament's component members under Article 312 TFEU for the adoption of the regulation laying down the multiannual financial framework;

68. Calls on the next Convention to examine the possibility of introducing a special legislative procedure requiring four fifths of the votes in Council and a majority of Parliament's component members under Article 311(3) TFEU for the adoption of the Own Resources Decision;

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69. Calls on the next Convention to examine the possibility for Member States whose currency is the euro and for all Member States who wish to participate in new common policies to provide for specific own resources in the framework of the EU budget;
70. Takes the view that the financial means of Union agencies should be an integral part of the budget of the Union;
71. Calls for the European Parliament's consent to be required for Treaty amendments, with a majority of two thirds of its component members;
72. Insists that the future Convention should have the greatest possible democratic legitimacy by also involving social partners, civil society and other stakeholders; reach its decisions in plenum according to full democratic rules; have adequate time for serious and thorough deliberation; operate with full transparency and have all its meetings open to the public;
73. Advocates the extension of the bridging clause in Article 48(7) TEU to the Treaties as a whole;

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74. Instructs its President to forward this resolution to the Council, the Commission, and the President of the European Council.
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P7_TA(2013)0599

Relations between the European Parliament and the institutions representing the national governments**European Parliament resolution of 12 December 2013 on relations between the European Parliament and the institutions representing the national governments (2012/2034(INI))**

(2016/C 468/26)

The European Parliament,

- having regard to Articles 15 and 16 of the Treaty on European Union and Article 235 of the Treaty on the Functioning of the European Union,
 - having regard to the European Council conclusions of 25 and 26 March 2010, 17 June 2010, 16 September 2010, 28 and 29 October 2010, 16 and 17 December 2010, 4 February 2011, 24 and 25 March 2011, 23 and 24 June 2011, 23 October 2011, 9 December 2011, 1 and 2 March 2012, 28 and 29 June 2012, 18 and 19 October 2012, 13 and 14 December 2012, 7 and 8 February 2013, 14 and 15 March 2013 and 27 and 28 June 2013,
 - having regard to the declarations by the Heads of State or Government of the European Union following the informal meetings of the members of the European Council of 26 October 2011 and 30 January 2012,
 - having regard to its resolution of 7 May 2009 on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union ⁽¹⁾,
 - having regard to its resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 ⁽²⁾,
 - having regard to Rules 48, 110 and 127 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0336/2013),
- A. whereas the Treaty of Lisbon gave the European Council the status of a European institution, without changing its role, since Article 15(1) of the Treaty on European Union states: ‘The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions’;
- B. whereas Parliament is fully aware of the independence of the European Council and of the important role conferred upon it by the treaties;
- C. whereas, however, under the pressure of the crisis, the European Council has considerably aggrandised its role, increasing the number of extraordinary meetings and raising to European Council level matters normally dealt with at Council of Ministers level; whereas in this respect the European Council has gone beyond the crucial Treaty injunction that it has no legislative functions;
- D. whereas the temptation for the heads of state or government to resort to intergovernmental expedients jeopardises the ‘Community method’, in breach of the Treaties;
- E. whereas to strengthen the democratic nature of the decision-making process proper parliamentary scrutiny arrangements shall be implemented;

⁽¹⁾ OJ C 212 E, 5.8.2010, p. 82.

⁽²⁾ Texts Adopted, P7_TA(2013)0323.

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- F. whereas under the Treaty of Lisbon members of the European Council are accountable individually to their own national parliaments but accountable collectively only to themselves;
- G. whereas the President of the European Council has been given an initiating role, most often exercised in liaison with his counterparts in other institutions, thereby de facto becoming the chief negotiator on behalf of the Member States on matters which, since the adoption of the Treaty of Lisbon, fall under co-decision;
- H. whereas, in agreement with Parliament's authorities, and in particular through exchanges of letters, President Van Rompuy has sought to take account of information and transparency requirements as far as possible: he has personally met Parliament's committee chairs, rapporteurs and sherpas to discuss a number of important topics; he has replied to written questions; he has provided regular reports on European Council meetings, either to the plenary or to the enlarged Conference of Presidents, and has had numerous contacts with group chairs;
- I. whereas this practice is worth formalising so that it can serve as a precedent for the future, and whereas it should also be improved; whereas, on the European patent system, the European Council called into question a legislative agreement concluded between Parliament and the Council; whereas, on economic governance, the European Council saw fit to renegotiate provisions identical to those which a previous regulation had already made applicable; whereas, on an EU banking supervisory authority, the European Council adopted two contradictory positions one year apart, which it could have avoided by taking greater account of Parliament's position; whereas negotiations on the 2014-2020 multiannual financial framework saw the legislative process held to ransom as the legally required unanimity in the Council could only be achieved by pre-empting certain major policy choices in the regulations on the policies to be financed, which, in these areas, reduces Parliament's role to one of merely amending secondary provisions;
- J. whereas in all these cases, by definition the most important, the absence of formalised dialogue between Parliament and the European Council has prevented Parliament from fully playing its role as co-legislator, as laid down in the treaties; whereas the official interlocutors of Parliament's representatives have often not had the power to properly engage governments; whereas, although they remain theoretically responsible for preparing meetings of the European Council, it is increasingly apparent that the President-in-Office of the Council and the General Affairs Council ⁽¹⁾ play no more than a marginal or technical role; whereas the traditional introductory remarks by the President of the European Parliament at the opening of the meetings of the European Council are an insufficient procedure;
- K. whereas the European Parliament cannot summon the President of the European Council for a debate before meetings of the European Council; whereas Parliament does not organise itself well for the debates in which the President reports back after meetings of the European Council;
- L. whereas, however, it is welcome that several heads of government of EU Member States are seeking the tribune of Parliament for debates on the future of Europe;
- M. whereas the operation of the Council of Ministers is a cause for serious concern, and that neither the European Council nor the rotating presidency seems able to bring to its work desirable standards of pace, strategy, consistency, coherence or transparency; whereas such deficiencies in the second chamber of the legislature impair the law-making of the European Union;
- N. whereas Article 17(7) of the Treaty on European Union will apply for the first time after the forthcoming European elections; whereas this key provision is intended to enable the President of the Commission to be elected by citizens through the election of their Members of Parliament, as is consistent with a parliamentary system; whereas this outcome can be achieved only if European political parties, Parliament and the European Council act in keeping with this spirit, in line with their respective responsibilities, notably in the context of consultations with a view to implementing Declaration 11 annexed to the Lisbon Treaty;

⁽¹⁾ See Article 16 of the Treaty on European Union.

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1. Believes that, in the light of the experience gained over these four years, there is a need to improve and formalise the working relations between the European Council and Parliament; considers that this could take the form of either a joint statement or an inter-institutional agreement or an exchange of letters;
 2. Is of the opinion that, other than in cases of exceptional urgency, any meeting of the European Council should be preceded by a debate in Parliament, allowing the adoption of a resolution, with the President of the European Council coming to present the subjects on the agenda in person; believes that Parliament and the European Council should organise their respective work so as to give to Parliament the opportunity to make known its opinion on these subjects in good time, and to allow the President of the European Council to report back after each meeting of the European Council in front of the plenary sitting; stresses that, as far as it is possible, European Council meetings should not take place during the plenary session weeks of Parliament;
 3. Points out that the conclusions of the European Council are negotiating instructions for the Council of Ministers, and that in no case do they constitute red lines which cannot be negotiated with Parliament; calls for a standard formula recalling the provisions of Article 15(1) of the Treaty on European Union to be included in the conclusions of the European Council;
 4. Urges the European Council, where an agreement is concluded between the representatives of Parliament and of the Council in the context of a legislative procedure, not to raise the matter again unless the Presidency-in-Office has specified that the agreement is ad referendum;
 5. Proposes that the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy be invited together with the President of the Commission to take part once a year in a general debate on the internal and external situation of the Union, without overlapping on the existing annual state of the Union debate during which the President of the Commission presents his work programme and reports on his action to the Parliament he is responsible to;
 6. Points out that, unlike the President of the Commission, the President of the European Council is not accountable to Parliament, and that the organisation of debates in which he takes part should take this into account, while allowing Members other than the group chairs to talk to the President of the European Council; considers, however, that the written questions procedure does not seem appropriate;
 7. Calls for Parliament's timely involvement whenever the European Council initiates an action plan or a procedure likely to include a legislative dimension to be decided in cooperation with Parliament in a form appropriate to each case; insists that the President of the Parliament should participate fully in European Council meetings when inter-institutional questions are addressed — Parliament and the European Council would consequently adapt their internal rules to specify the choice of their respective representatives and the way in which they obtain a negotiating mandate and report on the negotiations;
 8. Calls on the European Council to state clearly, before the start of the European election campaign, how it intends, for its part, to respect the choice of European citizens in the procedure leading to the election of the President of the Commission, in accordance with Article 17(7) of the Treaty on European Union, in the context of the consultations to be held between Parliament and the European Council with a view to implementing Declaration 11 annexed to the Lisbon Treaty; stresses the importance of enhancing the visibility and European nature of the election campaign; calls on all members of the European Council to announce in advance how they intend to respect the vote of their fellow citizens when proposing one or more candidates for the post of Commissioner from their country;
 9. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the Heads of State and Government and the parliaments of the Member States.
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P7_TA(2013)0600

Green Infrastructure Policy

European Parliament resolution of 12 December 2013 on Green Infrastructure — Enhancing Europe's Natural Capital (2013/2663(RSP))

(2016/C 468/27)

The European Parliament,

- having regard to the 7th Environmental Action Programme,
 - having regard to the Commission communication entitled 'Green Infrastructure (GI) — Enhancing Europe's Natural Capital' (COM(2013)0249),
 - having regard to the Commission communication entitled 'Europe 2020 — A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
 - having regard to the Roadmap to a Resource-Efficient Europe (COM(2011)0571),
 - having regard to the EU biodiversity strategy to 2020 (COM(2011)0244),
 - having regard to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ⁽¹⁾,
 - having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽²⁾,
 - having regard to the Environment Council conclusions of June 2011 and those of 17 December 2012 (point 14),
 - having regard to its resolution of 20 April 2012 on 'Our life insurance, our natural capital: an EU biodiversity Strategy to 2020' ⁽³⁾, in particular paragraph 50 thereof,
 - having regard to the study entitled 'The Economics of Ecosystems and Biodiversity' (TEEB) ⁽⁴⁾,
 - having regard to the Commission's 2009 White Paper entitled 'Adapting to climate change: Towards a European framework for action' (COM(2009)0147) and its communication entitled 'An EU Strategy on adaptation to climate change' (COM(2013)0216),
 - having regard to the question to the Commission on Green Infrastructure — Enhancing Europe's Natural Capital (O-000094/2013 — B7-0525/2013),
 - having regard to the 'Territorial Agenda of the European Union 2020: Towards an Inclusive, Smart and Sustainable Europe of Diverse Regions',
 - having regard to the Aichi Biodiversity Targets of the 'Strategic Plan for Biodiversity 2011-2020', adopted by the Parties to the Convention on Biological Diversity (CBD) in October 2010,
 - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- A. whereas declines in biodiversity and in the status of our ecosystems need to be tackled in order to ensure the continued provision of ecosystem services and the protection of natural capital for present and future generations;
- B. whereas green infrastructure helps nature to yield the full potential of the ecosystem services it can provide to society;
- C. whereas the loss of biodiversity needs to be tackled in order to protect natural capital for both present and future generations;

⁽¹⁾ OJ L 20, 26.1.2010, p. 7.

⁽²⁾ OJ L 206, 22.7.1992, p. 7.

⁽³⁾ OJ C 258 E, 7.9.2013, p. 99.

⁽⁴⁾ <http://www.teebweb.org>

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- D. whereas anthropogenic pressure threatens biodiversity and the integrity of ecosystems in the European Union, including through fragmentation and destruction of natural habitats, climate change and intensified use of semi-natural habitats;
- E. whereas biodiversity and the well-being of human society are closely linked;
- F. whereas in order to conserve and strengthen biodiversity in the Union it is important to minimise the level of fragmentation and enhance ecological connectivity;
- G. whereas Aichi Biodiversity Target 11 is that 'by 2020, at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes';
- H. whereas green infrastructure and agriculture are closely linked, in terms of agricultural productivity and the protection of agricultural heritage, and due to the spatial and land-use planning impacts of agricultural activities;
- I. whereas experience shows that green infrastructure projects offer a great opportunity to integrate nature into society, including urban environments that are home to an increasing proportion of the population, and whereas those people are exposed to the serious effects of the 'urban heat island' phenomenon;
- J. whereas information on how to create, protect, enhance and use green infrastructure efficiently across landscapes should be shared amongst stakeholders and published;
- K. whereas experience shows that the planning and development of infrastructure projects are key phases during which the integration of ecological, economic and societal needs must be ensured, both in urban and rural landscapes;
- L. whereas regional and urban infrastructure programmes and projects which are co-funded by the EU should integrate green infrastructure elements and mitigate impacts on existing ecosystems, in order to enhance the environmental, social and economic benefits of such programmes and projects;
- M. whereas green infrastructure offers a whole range of ecological, economic and social benefits deriving from natural solutions, which are generally less costly and more sustainable and can help to create jobs;
- N. whereas green infrastructure investment normally yields a high return;

General remarks

1. Welcomes the communication on green infrastructure and the Commission's intention to actively pursue the objectives set out therein;
2. Recognises the key importance of green infrastructure in effectively protecting Europe's natural capital, conserving natural habitats and species and maintaining the good ecological status of water bodies;
3. Stresses the contribution which green infrastructure can make to the Union's multiple 2020 objectives, and highlights the urgency of its deployment and its integration into the tools to implement the Multiannual Financial Framework, in order to contribute effectively to the achievement of Union biodiversity targets;
4. Recognises that the deployment of green infrastructure will help the Union reach its international commitments under the Aichi Biodiversity Targets and the Strategic Plan for Biodiversity 2011-2020;

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5. Welcomes the innovative approach of green infrastructure, which offers cost-effectiveness, through multiple benefits and solutions, which can reconcile environmental, social and economic objectives;

Integration into different policy areas

6. Stresses the need to integrate green infrastructure into all the EU's sectorial policies and the corresponding financing arrangements, using the Member States' best practices as examples;

7. Points out that green infrastructure can play a particularly important role in cities, where an increasing proportion of the population is living today and where it can deliver services like clean air, temperature control and mitigation of the local 'heat island effect', recreation areas, flood protection, rainwater retention and flood prevention, maintenance of groundwater levels, restoring or halting the loss of biodiversity, alleviation of extreme weather and its effects, improving the health of citizens, and enhancing the quality of life in general, including by providing accessible and affordable areas for physical activity; stresses the link between green infrastructure and public health and considers that investment in green infrastructure is also an investment in public health;

8. Stresses the contribution of green infrastructure as a vital accompaniment to the Natura 2000 network, enhancing the coherence and resilience of the network, which serves the conservation of key species and habitats of Europe's nature, and helping to maintain the delivery of ecosystem services estimated at several hundred billion euros per year; points, in this connection, to the complementarity between Natura 2000 legislation and the green infrastructure initiative;

9. Urges the Member States to integrate and prioritise green infrastructure in spatial and land-use planning by consulting with, and raising awareness among, stakeholders on the ground and local people through education campaigns, involving all decision-taking levels (local, regional and national), and asks the Commission to support guidance and benchmarking in this area in order to ensure that green infrastructure becomes a standard part of spatial planning and territorial development across the Union; points out that permit procedures for new developments or grey infrastructure need to ensure full assessment of any negative impacts on ecosystems and existing green infrastructure in order to avoid and mitigate such impacts and ensure actual long-term societal benefits;

10. Calls on the Commission and the Member States to use all EU financing instruments, including those under the cohesion policy and the common agricultural policy, especially Ecological Focus Areas, to promote green infrastructure where appropriate in order to ensure the delivery of a wide variety of ecosystem services and the protection of natural processes in rural and urban areas; calls on the Commission to report regularly to Parliament on the use of CAP funds to support green infrastructure; stresses, in this connection, the important role of green infrastructure in the protection of bees and hence for the effective functioning of pollination;

11. Underlines the positive effects of green infrastructure on the mitigation of climate change since it has a positive influence on carbon stocks and greenhouse gas balances, particularly with regard to the conservation of peatland soils, semi-natural and natural woodlands and forests, and other carbon rich ecosystems, thereby contributing to the implementation of the EU's climate policy;

12. Supports efforts to combine spatial planning and the development of green infrastructure in coastal areas, with the aim of safeguarding biodiversity and ensuring the sustainable development of coastal landscape areas;

13. Notes the vital role of green infrastructure in adapting to climate change, as it increases ecological coherence between Natura 2000 sites, facilitates the increase in movements and changes in species distribution between and among Natura 2000 sites, and provides landscape scale adaptation for biodiversity, and thus contributes to the implementation of the EU's nature policies, and also encourages and provides ecosystem-based adaptation to other sectors, including water management and food security;

14. Considers it essential for the Member States — and especially those bordering the sea — to implement green infrastructure around port areas and to develop transport schemes propitious to the greening of those areas;

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15. Draws attention to the fact that a reduction in the risks associated with natural disasters — such as floods or forest fires — is also a positive effect of creating or restoring green infrastructure such as natural flood plains, woodlands, wetlands etc., which can improve disaster resilience and help adapt to climate change, and can significantly decrease related costs to society;
16. Highlights the need to fully include the forestry sector in this policy area, in order to obtain multiple benefits beyond timber and biomass production, provided by sustainable forest management and natural forest conservation, and to restore fragmented or destroyed woodlands;
17. Welcomes the initiative to promote green infrastructure as an instrument that contributes to water filtration, the prevention of erosion and the preservation of the water table, and consequently the correct implementation of the Water Framework Directive, the Floods Directive and relevant water legislation as proposed in the blueprint, as well as to integrated coastal management and marine spatial planning;
18. Highlights the importance of the proper integration of green infrastructure requirements into the implementation of EU structural and cohesion policy instruments, in particular for financing urban green infrastructure, and urges the competent authorities to promote relevant actions;
19. Stresses the need to integrate green infrastructure into operational programmes under EU financing instruments for the 2014-2020 period;
20. Urges the Commission to finalise in a timely manner, i.e. by the end of 2013, the support guidance material announced in the communication in order to advance understanding and promotion of green infrastructure in relevant policy areas and to ensure funding opportunities via operational programmes;
21. Calls on the Member States and regional and local authorities to make good use of existing funding opportunities in order to promote investment in coordinated and coherent green infrastructure projects;

Development of a green infrastructure strategy

22. Stresses the need to enhance private sector involvement in green infrastructure investments and calls on the Commission and the EIB to quickly establish and make operational a financing facility including innovative financing mechanisms to support green infrastructure investments and other natural capital-related projects, while also assessing real and long-term support for ecosystem functions; points out that further financing sources at local, regional and national level will also need to be explored;
23. Is convinced that deployment of green infrastructure needs to be supported by solid data and in-depth knowledge and encourages the Commission, working together with the European Environment Agency, the Member States and other stakeholders to make sure that the Union strengthens its capacity in relation to the mapping and assessment of ecosystems and the associated ecosystem services and that this information and knowledge is properly taken into account, including in the planning and delivery of EU co-funded projects;
24. Urges the Commission to promote research, innovation, capacity building, education, dissemination, awareness-raising and public information projects in this field and to support the exchange of information and best practices; points out that the skills and training of personnel able to deal with this innovative approach and to properly value the benefits provided by ecosystems, especially in the sectors of water supply and purification, waste, construction, disaster management, agriculture, tourism and health facilitate the development of green infrastructure;
25. Takes the view that integration into all policy areas is a basic condition, without which no credible green infrastructure policy can be conducted;
26. Highlights the role that land owners and managers, civil society organisations, citizen/crowd science, citizens' responsibility and public participation can play in planning, implementing, maintaining and monitoring green infrastructure projects at local level, and urges the Member States to facilitate such processes;

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27. Agrees with the development of a strategy consisting of the building up of priority axes for green infrastructure projects in Europe and stresses the need for more cross-border interregional strategies and projects;
28. Supports the TEN-G as announced in the communication and calls on the Commission to deliver on the development of a TEN-G scheme by 2015;
29. Emphasises the potential for innovation with regard to green infrastructure and the key role which SMEs can play in this field; points out that common standards, certification and labelling should act as a support for green infrastructure investments and create the necessary room for first movers;
30. Looks forward to the review of the biodiversity strategy in 2015, the subsequent review of the green infrastructure communication in 2017 to further anchor green infrastructure in relevant planned investments at EU level and the mid-term review of the relevant policy areas (CAP health check, REGIO mid-term review, etc.);

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31. Instructs its President to forward this resolution to the Council and the Commission.
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Thursday 12 December 2013

P7_TA(2013)0601

European Central Bank annual report for 2012**European Parliament resolution of 12 December 2013 on the European Central Bank Annual report for 2012 (2013/2076(INI))**

(2016/C 468/28)

The European Parliament,

- having regard to the European Central Bank Annual report for 2012,
 - having regard to the Treaty on the Functioning of the European Union, in particular Articles 123, 282 and 284(3) thereof,
 - having regard to the Statute of the European System of Central Banks and of the European Central Bank, in particular Articles 15 and 21 thereof,
 - having regard to its resolution of 2 April 1998 on democratic accountability in the third phase of the EMU ⁽¹⁾,
 - having regard to its resolution of 17 April 2013 on the European Central Bank Annual Report for 2011 ⁽²⁾,
 - having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 [conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions], hereinafter referred to as ‘the SSM Regulation’,
 - having regard to the 83rd Annual Report 2012/2013 of the Bank for International Settlements, published on 23 June 2013,
 - having regard to Rule 119(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0382/2013),
- A. whereas, according to the Commission services’ spring 2013 forecast, GDP in the eurozone fell by 0,6 % in 2012, after a rise of 1,4 % in 2011, and will contract by 0,4 % in 2013 before rising by 1,2 % in 2014;
- B. whereas, according to the same forecast, unemployment in the eurozone rose from 10,2 % at the end of 2011 to 11,4 % at the end of 2012, and may increase further to 12,2 % in 2013 before decreasing again slightly in 2014, with major differences being observed between the eurozone countries, the unemployment figures for which vary between 4,3 % and 25 %, with even higher percentages registered for youth unemployment which increased significantly over the same period;
- C. whereas in 2012 the ECB reduced interest rates once, in July (25 basis point), reducing them further to a historic low of 0,5 % in May 2013;
- D. whereas, according to the Commission services’ spring 2013 forecast, the average inflation rate in the eurozone was 2,5 % in 2012, down from 2,7 % in 2011, and M3 growth was 1,5 % in 2011, down from 1,7 % in 2010;
- E. whereas the consolidated financial statement of the Eurosystem reached EUR 3 trillion at the end of 2012, representing an increase of approximately 12 % over the course of 2012;
- F. whereas non-marketable assets represented the largest component of assets put forward as collateral to the Eurosystem in the course of 2012, amounting to around 25 % of the total; whereas non-marketable securities, together with asset-backed securities, represent more than 40 % of total assets put forward as collateral;

⁽¹⁾ OJ C 138, 4.5.1998, p. 177.

⁽²⁾ Texts adopted, P7_TA(2013)0176.

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- G. whereas the aggregate turnover for all instruments in the euro money market decreased by 14 % in the second quarter of 2012 compared with the second quarter of the previous year;
- H. whereas Emergency Liquidity Assistance lines provided by national central banks, as represented under the item 'other claims on euro area credit institutions denominated in euro' of the Eurosystem consolidated financial statement, reached unprecedented levels over 2012 and amounted to EUR 206 billion at the end of 2012;
- I. whereas the ECB's long-term refinancing operations of February 2012 provided EUR 529,5 billion to eurozone-based financial institutions in loans with a maturity of three years and an initial 1 % interest rate;
- J. whereas the growth rate of MFI credit to eurozone residents fell significantly between December 2011 and December 2012, from 1 % in December 2011 to 0,4 % in December 2012, and credit to the private sector fell by 0,7 % in December 2012;
- K. whereas, again according to the Commission services' spring 2013 forecast, average gross general government debt in the eurozone rose from 88 % in 2011 to 92,7 % of GDP in 2012, and the aggregate general government deficit fell from 4,2 % to 3,7 % of GDP;
- L. whereas the ECB's long-term refinancing operations of December 2011 and February 2012 granted over EUR 1 trillion — EUR 489 billion and EUR 529,5 billion respectively — to European banks in the form of collateralised interest loans with a maximum term of three years and an interest rate indexed to the average rate of the main ECB refinancing operations over the maturity of the operations;
- M. whereas the European Economic Forecast in Spring 2012 showed low levels of business and consumer sentiment, high unemployment limiting private consumption and declining export growth since 2010, which has led to a levelling off in GDP growth during 2011 and 2012;
- N. whereas small and medium-sized enterprises (SMEs) remain the backbone of the eurozone economy, representing about 98 % of all eurozone firms, employing around three quarters of the eurozone's employees and generating around 60 % of value added;
- O. whereas the creditworthiness and financial health of SMEs have deteriorated more sharply than those of large firms, and the protracted period of weak economic conditions have exacerbated the asymmetric information challenges of SMEs;
- P. whereas, according to information provided in the Survey on Access to Finance of Enterprises (SAFE), SMEs' profits, liquidity, buffers and own capital have developed less favourably than those of large firms during the crisis;
- Q. whereas Article 282 TFEU states that the primary objective of the ECB is to maintain price stability; whereas the European Systemic Risk Board (ESRB) works under the auspices of the ECB in the area of financial stability;
- R. whereas the Bank for International Settlements (BIS) has noted in its Annual Report that, as a result of the low interest rate policy in the eurozone, reform efforts in the Member States have slackened considerably;
- S. whereas Article 123 TFEU and Article 21 of Statute of the European System of Central Banks and of the European Central Bank prohibit the monetary financing of governments;
- T. whereas a low-inflation environment is the best contribution monetary policy can make towards creating favourable conditions for economic growth, job creation, social cohesion and financial stability;

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- U. whereas actions of national macro-prudential authorities should take account of the responsibility of the European Systemic Risk Board for macro-prudential oversight of financial system within the EU;
- V. whereas maintaining a flow of credit to SMEs is particularly important as they employ 72 % of the eurozone's labour force and have significantly higher gross job creation (and destruction) rates than large enterprises;
- W. whereas the recommendations put forward in its previous resolutions on the ECB annual reports concerning transparency of voting and publication of summary minutes have not yet been taken into account;
- X. whereas the deposit facility held EUR 315,754 million on 28 September 2012;
- Y. whereas credit in the eurozone overall is falling by 2 % annually, with greater reductions in some countries, among them Spain which saw an annual loss of 8 % in 2012;
- Z. whereas SMEs have to pay much higher borrowing costs depending on the country of the eurozone in which they are situated, creating distortions in the single market;
- AA. whereas the credit crunch currently affecting SMEs in some parts of the eurozone is one of the fundamental problems delaying the economic recovery;

Monetary policy

1. Welcomes the bold measures taken by the ECB in 2012, which have contributed in a decisive manner to stabilising the banking sector and helping to sever the link between the banks and the sovereign;
2. Is deeply concerned at the fact that persistently weak economic conditions are becoming the norm in parts of the EU, creating instability for the eurozone as a whole and threatening the popular and political support for the whole European project;
3. Notes that the recourse to the main refinancing operations, to the medium and long-term refinancing operations with full allotment at fixed rates, and to the marginal lending facility, the Emergency Liquidity Assistance (ELA) and the deposit facility all remained at significantly high levels throughout 2012, signalling a severe impairment of the monetary transmission mechanism and the eurozone interbank lending market, although the situation improved significantly with the stabilisation of spreads and TARGET II imbalances observed over the second half of the year;
4. Believes that the positive effects of the decisions of July 2012 to reduce the key ECB interest rates are limited, as in many parts of the eurozone the monetary transmission channel is broken or deeply impaired; recalls that, in the long term, very low interest rates may cause distortions in the business sector and harm private savings and pension plans;
5. Points out that the ECB President, in his address to the European Parliament's Committee on Economic and Monetary Affairs on 8 July 2013, announced that key ECB interest rates were expected to remain at current or lower levels for an extended period of time in consideration of an overall subdued outlook for inflation extending into the medium term, given the broad-based weakness of the economy and subdued monetary dynamics;
6. Notes with concern that the banking system's demand for liquidity from the Eurosystem increased in 2012, thus strengthening the dependence of the banking system on the Eurosystem's intervention, and warns of the risks of such dependence;
7. Considers that the three-year LTRO settled on March 2012 contributed to stabilising the banking system, but that this should be a temporary measure; notes that, despite the liquidity injected into the banking system by the LTRO, the credit available to the real economy is still below pre-crisis levels; understands that the demand for credits by business is presently at a very low level, making it difficult for banks to lend;

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8. Is deeply concerned about the transfer of risks from struggling banks and governments onto the ECB's balance sheet as a result of the ECB's decision to buy 'unlimited' amounts of short-term government debt; stresses that the long-term refinancing operations (LTROs) do not provide a fundamental solution to the crisis;
9. Considers that a national central bank's functions must be performed in a matter that is fully compatible with the functional, institutional and financial independence to safeguard the proper performance of its tasks under the Treaty and the Statute of the European System of Central Banks and of the ECB;
10. Underlines that insufficient growth in the European business sector is not mainly due to the insufficient availability of credit offered by the banking sector;
11. Is concerned at the fact that credit tightening appears to be very severe for SMEs, owing to the circumstances that they are perceived by banks to have a higher probability of default than larger firms and that they often are unable to switch from bank credit to other sources of external finance;
12. Stresses its concern regarding the considerable fragmentation of lending conditions for SMEs across eurozone countries;
13. Underlines the important role — albeit limited — played by the Securities Markets Programme (SMP) until September 2012 in addressing the malfunctioning of certain eurozone sovereign debt securities market segments;
14. Welcomes the setting-up of the Outright Monetary Transactions (OMTs), with no ex ante quantitative limits, in order to safeguard monetary policy transmission, and welcomes the decision to link the activation of the OMT to strict conditionalities attached to an European Financial Stability Facility/European Stability Mechanism (EFSF/ESM) programme;
15. Understands the BIS's warnings about too long a period of accommodative monetary policy; follows with interest the discussions in most major central banks on the best timetable to wind down their loose monetary policies; notes that, amongst others, the Federal Reserve Board intends to depart from the present policies as soon as possible; understands that the ECB will maintain an accommodative policy stance as long as the banking sector is not fully stabilised, and spill-overs into the public sector remain a threat, a policy made possible by the low inflation rates expected over the medium term;
16. Considers it necessary that the ECB programmes for liquidity provision also properly address inflationary concerns, for example by sterilisation;
17. Considers, in the light of the recent developments in the US, that economic recovery and higher growth in the economy represent a sound and solid basis for a progressive phase-out of the quantitative easing policy measures;
18. Recalls that the non-standard monetary policy measures of the ECB were intended to be of transitory nature and should, therefore, in no way be regarded by the banking sector as a permanent instrument;
19. Encourages the ECB to send clear signals to the market with regard to the estimated period of activation of its non-standard monetary policy measures, and to start phasing such measures out as soon as the tension in the banking sector is diminished, as soon as the link between the banks and the sovereign can be severed, and as soon as the economic indicators related to growth and inflation justify such a decision;
20. Considers that the monetary policy tools that the ECB has used since the beginning of the crisis, while providing a welcome relief in distressed financial markets, have revealed their limits as regards stimulating growth and improving the situation on the labour market; considers, therefore, that the ECB could explore further measures;
21. Is concerned about the significantly high levels of ELA lines provided by national central banks in the course of 2011, and demands further disclosure of, and complementary information on, the precise extent, and underlying operations, of such lines and the conditions attached to them;

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22. Acknowledges that, since the monetary transmission mechanism is not functioning properly, the ECB should seek ways to target SMEs more directly; points out that at present similar SMEs from across the eurozone do not have similar access to loans, despite having similar economic prospects and risks; invites the ECB to implement a policy to purchase high-quality securitised SME loans directly, particularly from some Member States where the monetary transmission mechanism is broken; stresses that this policy should be limited in amount and time, fully sterilised and directed to avoid risks on the ECB balance sheet;

23. Believes that the ECB should take very seriously into account the possibility of launching a specific programme to help SMEs access credit in the lines of the funding for the lending scheme of the Bank of England;

24. Deems that the TARGET II settlement system has played a crucial role in safeguarding the integrity of the eurozone financial system; notes, however, that the significant TARGET II imbalances reveal the worrying fragmentation of financial markets within the eurozone, as well as the ongoing capital flight in Member States experiencing or threatened with serious difficulties with respect to their financial stability;

25. Calls on the ECB to make public the legal decision concerning the OMT programme in order that its details and implications may be analysed more deeply;

26. Underlines that ELA lines are reported in the Eurosystem consolidated balance sheets under the heading 'other claims on Euro area credit institutions denominated in Euro' without any further disclosure and with no more granular information provided on such lines or on the underlying operations and the conditions attached to them; asks the ECB to improve the reporting on ELA developments provided on its website on a country-by-country basis;

27. Is encouraged by the stabilisation of the levels of TARGET II imbalances over the second half of 2012; underlines that the TARGET II settlement system has played a crucial role for safeguarding the integrity of the eurozone financial system; remains, nevertheless, concerned by the ongoing fragmentation of financial markets within the eurozone;

28. Recalls the independence of the ECB in the conduct of its monetary policy, as enshrined in the Treaties; argues that the conduct of monetary policy should be democratic and should result from deliberation between different viewpoints and approaches in order that transparency, and thereby democratic accountability, may be strengthened; recalls, in this respect, the importance of the monetary dialogue and of the written questions submitted by MEPs;

29. Is concerned about possible side effects of a prolonged and extraordinarily accommodative monetary policy, such as aggressive risk taking, the build-up of financial imbalances, distortions in financial market pricing and incentives to delay necessary balance sheet repair and reforms; encourages the ECB to strike the right balance between the risks of exiting its extraordinarily accommodative monetary policy prematurely and the risks associated with further delaying such a departure;

30. Underlines that the ECB should be ready to comply with the highest standards of accountability when performing its monetary policy tasks and its supervisory tasks vis-à-vis Parliament, and recalls, in this regard, the importance of the monetary dialogue and of the written questions submitted by MEPs; recalls the ongoing call for more transparency in the ECB which would result in increased credibility and predictability, and appreciates the improvements that have already been made in this area;

31. Considers that the exchange rate is a crucial economic policy variable which impacts on the competitiveness of the eurozone; underlines the importance of supporting the euro as an international currency;

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32. Invites the ECB, in cooperation with the national central banks, to explain its policies in terms of currency swap deals designed to help maintain financial stability;

Banking union

33. Notes that the European Banking System is still fragile and needs to be reformed in structural terms and consolidated through the development of a true banking union;

34. Welcomes the progress achieved on the negotiations on the Single Supervisory Mechanism (SSM) regulation conferring on the ECB the power of supervision over eurozone credit institutions and those who wish to join; believes that the setting-up of the SSM will contribute to severing the link between banks and sovereigns and will help develop a common European approach to crisis management;

35. Welcomes in particular its involvement in the appointment of the Chair and Vice-Chair of the Supervisory Board;

36. Considers that the establishment of the SSM should contribute to restoring confidence in the banking sector and to reviving interbank lending and cross-border credit flows through independent integrated supervision for all participating Member States;

37. Invites the SSM to operate in full adherence to the single rulebook for financial services and in a manner fully consistent with the principles underpinning the single market in financial services;

38. Considers that the ECB should welcome the possibility to involve non-eurozone Member States in the SSM to ensure a greater harmonisation of supervisory practices within the EU;

39. Stresses the importance of a fruitful cooperation between the ECB and the competent national authorities within the framework of the SSM, in order to ensure an effective and smooth supervision;

40. Welcomes the preparation of a comprehensive asset quality review for all banks that will come under direct SSM supervision and that will feed into the overall stress test to be conducted by the European Banking Authority (EBA), in cooperation with the SSM, in the second quarter of 2014;

41. Notes that the strengthening of the ECB resulting from the establishment of the SSM needs to be balanced by greater accountability vis-à-vis national parliaments and the European Parliament;

42. Considers that transparency in the field of banking supervision is essential as agreed upon in the interinstitutional agreement between the European Parliament and the European Central Bank;

43. Notes that the allocation of supervisory tasks to the ECB poses new challenges in terms of conflict of interest, and welcomes the provisions on this matter foreseen in the interinstitutional agreement between the European Parliament and the ECB; recalls that, in order to fully implement these provisions, the ECB is due to introduce more accurate rules including, inter alia, provisions on cooling-off periods for Eurosystem senior management staff involved in banking supervision;

44. Recalls that it is of paramount importance that the ECB ensures operational separation of the core units preparing the draft decisions in the field of monetary policy and supervisory policy; underlines the crucial need for the agreement negotiated between the ECB and the European Parliament regarding practical measures to ensure democratic accountability;

45. Considers it urgent to approve the establishment of a Single Resolution Mechanism in order to protect taxpayers and prevent further banking crises;

46. Stresses that, with a view to improving the resilience of the banking system, it is essential to strengthen its diversity by encouraging the development of small and medium-sized local banks;

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Institutional matters

47. Points out that the regulation on the SSM provides for interinstitutional arrangements between the European Parliament and the ECB on democratic accountability that emphasise the role of Parliament; urges the ECB to meet the new requirements, in particular in terms of democratic accountability and transparency in its supervisory activities;

48. Calls on the ECB to subject every aspect of its activity to critical self-assessment, including the impact of the adjustment programmes it has helped to shape and the ex post adequacy of the macroeconomic assumptions and scenarios underlying those programmes;

49. Calls on the ECB to publish the summary minutes of the Governing Council meetings, including arguments and voting records;

50. Is concerned at the contempt shown by the Council towards Parliament's resolution of 25 October 2012 on the appointment of a new Member of the executive board of the ECB ⁽¹⁾, and notes that due consideration should be given to both the expertise and the gender of members in the appointment of ECB top management; takes the view that the EU institutions, including the ECB, should lead by example in the field of gender balance and that it is essential that the gender representation among leading positions within the ECB be improved; disapproves of the fact that the Member States ignored the negative vote in Parliament, both in the ECON Committee and in the plenary, because of the lack of a gender balance perspective in the appointment of Yves Mersch; urges the Member States to incorporate a gender-balance perspective, with the possibility of positive action on the basis of a balanced gender representation, in the appointment of members to the Executive Board;

51. Recalls that, according to Article 10.4 of Protocol No 4 to the Statute of the European System of Central Banks and of the European Central Bank, while the proceedings of the meetings of the Governing Council shall be confidential, it may decide to make the outcome of its deliberations public; asks the ECB to provide a reasoned reply in its subsequent annual reports to Parliament's annual report on the ECB;

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

⁽¹⁾ Text adopted, P7_TA(2012)0396.

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P7_TA(2013)0602

Situation in the Central African Republic

European Parliament resolution of 12 December 2013 on the situation in the Central African Republic (2013/2980(RSP))

(2016/C 468/29)

The European Parliament,

- having regard to its resolutions of 17 January 2013⁽¹⁾ and 12 September 2013⁽²⁾ on the situation in the Central African Republic,
- having regard to UN Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, and 2127 (2013) of 5 December 2013,
- having regard to the report of the UN Secretary-General of 15 November 2013 and the report of Mr Abou Moussa, Representative of the Secretary-General and Head of the UN Regional Office for Central Africa,
- having regard to the call for the international community to provide assistance made, while addressing the United Nations, by the Prime Minister of the CAR, Nicolas Tiangaye,
- having regard to the letter of 20 November 2013 from the authorities of the CAR in which they call for MISCA to be supported by French forces,
- having regard to the briefing to the Security Council of 25 November 2013 by the UN Deputy Secretary-General Jan Eliasson on the situation in the Central African Republic,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy of 21 December 2012, 1 and 11 January 2013, 25 March 2013, 21 April 2013, 27 August 2013 and 5 December 2013 on the Central African Republic,
- having regard to the statements by the EU Commissioner for Humanitarian Aid and Civil Protection of 21 December 2012 on the new outbreak of conflict in the Central African Republic and of 10 September 2013 on the worsening of the crisis in the Central African Republic,
- having regard to the revised Cotonou Agreement,
- having regard to the establishment of an International Contact Group on the Central African Republic in May 2013 to coordinate regional, continent-wide and international action in order to find a lasting solution to the country's recurrent problems,
- having regard to the meeting of the International Contact Group of 3 May 2013 in Brazzaville (Republic of the Congo), which validated the roadmap for the transition and set up a Special Fund to assist the Central African Republic (CAR),
- having regard to the declaration adopted by the International Contact Group on the CAR at its third meeting held in Bangui on 8 November 2013,
- having regard to the 1998 Rome Statute of the International Criminal Court (ICC), ratified by the CAR in 2001,
- having regard to the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child, which has been signed by the CAR,
- having regard to the press statement issued on 13 November 2013 by the African Union Peace and Security Council on the situation in the CAR,

⁽¹⁾ Texts adopted, P7_TA(2013)0033.

⁽²⁾ Texts adopted, P7_TA(2013)0389.

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- having regard to the adoption by the African Union Peace and Security Council on 10 October 2013 of a new concept of operations,
- having regard to the communiqué issued by the African Union Peace and Security Council on 13 November 2013, which welcomed the planned reinforcement of the French contingent in order to lend better support to the MISCA,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 19 June 2013 on the Central African Republic,
- having regard to the statement of 27 November 2013 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly in Addis Ababa (Ethiopia),
- having regard to the EU Council conclusions of 21 October 2013 on the Central African Republic,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

Violence

- A. whereas, since fighting broke out in the CAR at the end of 2012 and Séléka rebels seized power from former President François Bozizé in March 2013, the CAR has been plunged into chaos, resulting in severe food and medical shortages;
- B. whereas, since the military victory of the Séléka coalition on 24 March 2013 and its seizure of power, elements of that coalition have committed many atrocities, rapes, crimes, acts of physical violence and thefts, as well as looting and other human rights violations, both in the capital and in the provinces, and have not been subject to any control; whereas increasing use is being made of child soldiers and sexual violence is growing;
- C. whereas abuses are also being committed by other armed groups, some of which claim to support former President Bozizé;
- D. whereas, since 5 December 2013, 400 people have died in Bangui over a period of 72 hours;
- E. whereas the war is being instrumentalised into a war of religion, as evidenced by the plight of Christian communities, and whereas, despite the joint efforts of religious leaders to avoid interconfessional war and the traditional peaceful coexistence between religions and communities, the situation is in danger of getting out of hand unless it is properly addressed;
- F. whereas there is a risk of contagion in the region as, if the CAR becomes a sanctuary for terrorists, narcotics traffickers, jihadists and bandits, neighbouring countries will also be affected; whereas the Cameroon authorities temporarily closed the border with the CAR after Séléka rebels attacked the border town of Toktoyo and killed a Cameroon border officer;
- G. whereas these violent acts are being committed by groups equipped with modern arms and certain heavy weapons;
- H. whereas armed conflicts have become increasingly self-financing, as rebel groups, criminal networks, mercenaries and predatory elites have increasingly relied on natural resource revenues to fund military activities;
- I. whereas the national Transitional Authorities are not able to control those responsible for the violence or to carry out their duty to protect the people;
- J. whereas the violence perpetrated in the CAR makes it urgent to act to avert the risks of mass crimes against the people of the CAR and risks to the stability of the countries in the region;
- K. whereas there is a risk that the situation in the CAR may create a conducive environment for the development of transnational criminal activity;

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Security

- L. whereas, although 1 300 ECCAS (Economic Community of Central African States) troops have been deployed to the CAR, they have been unable to prevent the country from sliding into lawlessness;
- M. whereas, by its unanimously adopted resolution 2127 (2013), the UN Security Council authorised increased military action by French and African troops in order to restore security and protect civilians in the CAR, imposed an arms embargo and asked the United Nations to prepare for a possible peacekeeping mission;
- N. whereas on 26 November 2013 General Jean-Marie Michel Mokoko (Congo) was appointed as Special Representative of the African Union in the Central African Republic and head of the African force being deployed in the country (MISCA);
- O. whereas MISCA will be able to deploy its troops for a period of 12 months, subject to a review after six months, with a remit to protect civilians, restore order and security, stabilise the country and create conditions conducive to the provision of humanitarian aid;
- P. whereas the launch of a UN peace-keeping mission, for which the African Union has called, and which is envisaged by UN Security Council Resolution 2127 (2013), would make it possible to ensure ongoing financial backing for the operation;
- Q. whereas, according to the report of the UN Secretary-General, a UN operation would require the mobilisation of between 6 000 and 9 000 peace-keepers in order to be effective;

Human rights

- R. whereas the breakdown of public order and security in the CAR is causing a humanitarian disaster and also poses a significant threat to regional security;
- S. whereas the killing of civilians, the burning of houses and the destruction of basic infrastructure have forced half a million of the country's 4,6 million people to flee;
- T. whereas on 4 September 2013 the prosecutor of the Bangui Tribunal asked for the 24 former Séléka rebels brought to justice in the first trial dealing with the abuses committed in the CAR to be sentenced to 10 years' imprisonment;
- U. whereas many perpetrators of human rights violations and war crimes have not been prosecuted; whereas this promotes a climate of impunity and favours the perpetration of further crimes;

Humanitarian aspects

- V. whereas the recent Emergency Food Security Assessment (EFSA) revealed that 484 000 people were at risk of food insecurity in the country;
- W. whereas, due to insecurity and an inadequate level of funding given the scale of the crisis, humanitarian organisations are only working in towns;
- X. whereas the instability has pushed 70 % of children out of school;
- Y. whereas the European Union continues to engage in regular political dialogue with the CAR and remains the country's main donor, having increased its humanitarian aid by EUR 8 million, to EUR 20 million; whereas this EU aid is not enough and whereas other international partners must also enter into commitments;

Development

- Z. whereas the complexity of the crisis necessitates a consistent, comprehensive, integrated and multidimensional response, as military intervention cannot by itself resolve the problems;
- AA. whereas it is important to put in place a broad and holistic approach, which takes into account the interconnectedness between the CAR's natural resource governance, peace, security and development issues with a view to achieving a lasting solution;

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- AB. having regard to the need for substantial international economic aid;
- AC. noting the decision by the Kimberley Process to suspend the CAR;
- AD. whereas, despite the uncertain situation in the CAR, the EU has never suspended development cooperation with the country and remains the biggest donor of humanitarian aid; whereas on 5 December 2013 the EU offered EUR 50 million for the African-led International Support Mission in the CAR in order to contribute to the stabilisation of the country and the protection of local populations, as well as to create conditions that would allow for the provision of humanitarian assistance and the reform of security and the defence sector;

Violence

1. Strongly condemns the serious violations of humanitarian law and widespread violations of human rights law, notably by former Séléka and militia groups, in particular those known as 'anti-balaka', including extrajudicial killings, summary executions, enforced disappearances, arbitrary arrests and detention, torture, sexual and gender-based violence and the recruitment of child soldiers; expresses its deep concern at the new dynamic of violence and retaliation prevailing in the CAR, which risks degenerating into an uncontrollable situation, involving the most serious crimes under international law, such as war crimes and crimes against humanity; is equally concerned about the possible spill-over effect, which threatens to destabilise the whole region;
2. Reiterates its deep concern at the situation in the CAR, which is characterised by a complete breakdown of law and order, the absence of the rule of law and sectarian violence; condemns the recent violence that has further eroded even the most basic services in the country and exacerbated an already dire humanitarian situation affecting the entire population;
3. Welcomes, in this connection, the UN Security Council decision on an arms embargo against the CAR;

Security

4. Welcomes the adoption of UN Security Council resolution 2127 (2013) under Chapter VII of the UN Charter and calls for its rapid implementation so as to spare the CAR population further violence and insecurity;
5. Welcomes the swift deployment of French military troops pursuant to the authorisation given by UN Security Council and their efforts aimed at stopping the violence, protecting the civilian population and disarming the militias;
6. Does homage to the two French soldiers serving alongside the African forces who were killed on the first day of their mission to protect the civilian population in the CAR;
7. Welcomes the on-going international efforts to restore order, including the strengthening of ECCAS's MICOPAX peacekeeping force and its reconfiguration into the International Support Mission for Central Africa (MISCA) peacekeeping force under the responsibility of the African Union;
8. Calls on the international community to make all the necessary financial, troop and other contributions to the scaling-up of the primarily African international security presence and ensure the implementation of its mandate; welcomes, in this connection, the EUR 50 million provided by the EU in support of AFISMA-CAR;
9. Deplores the slow pace at which a United Nations Peace-keeping mission is being established and the time required in order for the Security Council to confer a mandate pursuant to Chapter VII of the UN Charter;
10. Considers it necessary, furthermore, to address the consequences of the conflicts, in particular through reform of the armed forces and security forces, demilitarisation, the demobilisation and reintegration of ex-combatants, in accordance with UN Security Council resolution 2121 (2013), the repatriation of refugees, the return of internally displaced people to their homes, and the implementation of viable development programmes;

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11. Calls on the Council of the European Union to study the possibility of organising training and support for MISCA, as has been done for AMISOM, in order to increase the capacity of the African forces to manage the planning and conduct of the operations to establish security themselves;

12. Notes that the recent crises in Mali and the CAR illustrate the need for the continent of Africa to establish an adequate continental security capacity; with this in mind, calls on the EU and its Member States to step up their support for the practical establishment of the African Capacity for Immediate Reaction to Crisis (CARIC) launched in June 2013, the indispensable corollary to the rapid operationalisation of the African Standby Force (ASF) of the African Union, which was initially planned for 2010;

13. Calls for stronger regional cooperation to combat the 'Lord's Resistance Army';

Human rights

14. Stresses that there should be no impunity for perpetrators of gross human rights and international humanitarian law violations; calls for the perpetrators of such acts to be reported, identified, prosecuted and punished in accordance with national and international criminal law; points out, in this regard, that the situation in the CAR has already been brought before the ICC and that, under the Court's statute, there is no period of prescription for genocide, crimes against humanity or war crimes, and welcomes the statement made on 7 August 2013 by the Prosecutor of the ICC;

15. Calls for measures to be taken as a matter of urgency to combat violence against women and girls, ensure their protection and end impunity for the perpetrators of such crimes;

16. Welcomes, in particular, the establishment by the UN Security Council of a commission of inquiry to investigate reports of violations of international humanitarian law and human rights abuses committed in the CAR by all parties since January 2013; calls on all parties to cooperate fully with this commission in order to ensure that the authors of these heinous acts are held accountable;

17. Encourages full cooperation with the Sanctions Committee established by UN Security Council resolution 2127 (2013);

18. Calls on the authorities of the CAR to fulfil the obligations laid down in the Rome Statute of the International Criminal Court, which their country has signed;

19. Calls for national and international obligations to be maintained as regards the prohibition of recruitment and the use of children in armed forces and armed groups;

Humanitarian aspects

20. Welcomes the establishment of an aerial humanitarian bridge by the EU, through ECHO flights — the aerial humanitarian transport service — as of 9 December, in order to step up international efforts to stabilise the CAR by ensuring that humanitarian aid reaches those most desperately in need; salutes the efforts by the External Action Service and the Commissioner for Humanitarian Aid in responding swiftly to the situation;

21. Calls on the international community to keep the CAR at the top of its agenda and to support this fragile country; stresses, in this connection, that the humanitarian community must also maintain its commitment to the CAR, in spite of the current political and security situation, and allocate adequate resources to respond to the medical and humanitarian crisis which the country is experiencing; is concerned at the restricted humanitarian access and condemns attacks against humanitarian workers; calls on all parties to the conflict, and in particular the Séléka, to allow safe and unhindered access for humanitarian and relief organisations;

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22. Welcomes the increased EU support in addressing the humanitarian crisis in the CAR and calls for the EU and its Members States, as leading donors to the country, to enhance their coordination with the other donors and international institutions in order to adequately meet urgent humanitarian needs and alleviate the suffering of the Central African people;

Development

23. Calls on the International Contact Group on the CAR to provide the CAR with the necessary financial support to create viable economic development, restore a functioning public administration and services and to put in place functioning democratic institutions, capable of protecting citizens;

24. Insists that a comprehensive political solution, including fair distribution of revenue through the state budget, is vital for finding solutions to the crisis and paving the way for sustainable development of the region;

25. Condemns the illegal exploitation of natural resources in the CAR;

26. Considers that transparency and public scrutiny in the mining sector are crucial to efficient mining management and to making public the activities and revenues of mining and exporting companies;

27. Calls for measures to be taken, with the assistance of the international community, to strengthen the efforts to resolve the political crisis and to build a justice system and an administrative infrastructure, giving high priority to restoring basic services in the fields of justice, healthcare and education; calls for action to be taken to ensure and promote the right to education and for the government to step up its efforts to implement the Plan of Action on Education for All;

28. Condemns the devastation of the natural heritage, particularly by means of poaching;

Political Process

29. Reaffirms its support for the sovereignty, unity and territorial integrity of the CAR;

30. Calls on the CAR authorities to implement the agreements concerning the political transition without delay in order to allow the holding of elections and a return to constitutional order by February 2015;

31. Reiterates its support for the Prime Minister, Nicolas Tiangaye, who has the support of the international community;

32. Calls for the reconstitution of the CAR's civil service in order to organise credible and uncontested national polls with a view to guiding the country further along the path of democracy; notes that, despite the efforts of Prime Minister Tiangaye, state structures and control have been eroded to a point where little remains of them; encourages the participation of civil society in the debates on the CAR's future;

33. Urges the Transitional Authorities to ensure women's full participation in all phases of the process;

34. Welcomes the fact that the UN undertakes to 'closely monitor the management of the Transition';

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35. Instructs its President to forward this resolution to the Council, the Commission, VP/HR Catherine Ashton, the UN Security Council, the UN Secretary-General, the institutions of the African Union, ECCAS, the ACP-EU Joint Parliamentary Assembly and the EU Member States, and the National Transitional Council of the Central African Republic.

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P7_TA(2013)0603

Organ harvesting in China

European Parliament resolution of 12 December 2013 on organ harvesting in China (2013/2981(RSP))

(2016/C 468/30)

The European Parliament,

- having regard to its resolutions of 7 September 2006 ⁽¹⁾ and 14 March 2013 ⁽²⁾ on EU-China relations, of 13 December 2012 on the annual report on Human Rights and Democracy in the World 2011 and the European Union's policy on the matter ⁽³⁾, of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter ⁽⁴⁾, and of 19 May 2010 on 'the Commission Communication: Action plan on Organ Donation and Transplantation (2009-2015): Strengthened Cooperation between Member States' ⁽⁵⁾,
 - having regard to the Charter of Fundamental Rights of the European Union, in particular Article 3 thereof on the right to the integrity of the person,
 - having regard to the hearings of 21 November 2009, 6 December 2012 and 2 December 2013 by the Subcommittee on Human Rights and to the respective testimonies of former Canadian Secretary of State for Asia-Pacific David Kilgour and human rights lawyer David Matas on the large-scale organ harvesting carried out on unwilling Falun Gong practitioners in China since 2000,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by China on 4 October 1988,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the People's Republic of China performs more than 10 000 organ transplants per year and 165 Chinese organ transplant centres advertise that matching organs can be found within two to four weeks, yet as things stand China does not have an organised or effective public system of organ donation or distribution; whereas the organ transplant system in China does not comply with the World Health Organisation's requirements for transparency and traceability in organ procurement pathways, and whereas the Chinese Government has resisted independent scrutiny of the system; whereas voluntary and informed consent is a precondition for ethical organ donation;
- B. whereas the People's Republic of China has extremely low rates of voluntary organ donation owing to traditional beliefs; whereas in 1984 China implemented regulations that permitted the harvesting of organs from executed prisoners;
- C. whereas the Government of the People's Republic of China has failed to account adequately for the sources of excess organs when information has been requested by the former United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, and by Canadian researchers David Matas, a human rights attorney, and David Kilgour, the former Canadian Secretary of State for Asia-Pacific;
- D. whereas Huang Jiefu, Director of the China Organ Donation Committee and former Vice-Minister of Health, stated at the Madrid Conference on Organ Donation and Transplantation in 2010 that over 90 % of transplant organs extracted from deceased donors came from prisoners executed in China, and has said that by mid-2014 all hospitals licensed for organ transplants will be required to stop using organs from executed prisoners and only to use those voluntarily donated and allocated through a fledgling national system;

⁽¹⁾ OJ C 305 E, 14.12.2006, p. 219.

⁽²⁾ Texts adopted, P7_TA(2013)0097.

⁽³⁾ Texts adopted, P7_TA(2012)0503.

⁽⁴⁾ OJ C 169 E, 15.6.2012, p. 81.

⁽⁵⁾ OJ C 161 E, 31.5.2011, p. 65.

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- E. whereas the People's Republic of China has announced its intention of phasing out the harvesting of organs from executed prisoners by 2015, as well as the introduction of a computerised organ allocation system known as the China Organ Transplant Response System (COTRS), thereby contradicting its commitment to the effect that all hospitals licensed for organ transplants will be required to stop using organs from executed prisoners by mid-2014;
- F. whereas in July 1999 the Chinese Communist Party launched an intensive nationwide wave of persecution, designed to eradicate the spiritual practice of Falun Gong and leading to the arrest and detention of hundreds of thousands of Falun Gong practitioners; whereas there are reports that Uyghur and Tibetan prisoners have also been subjected to forced organ transplants;
- G. whereas the UN Committee Against Torture and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment have expressed concern over the allegations of organ harvesting from prisoners, and have called on the Government of the People's Republic of China to increase the accountability and transparency of the organ transplant system and punish those responsible for abuses; whereas the killing of religious or political prisoners for the purpose of selling their organs for transplant is an egregious and intolerable violation of the fundamental right to life;
- H. whereas on 12 November 2013 the UN General Assembly elected China to serve on the UN Human Rights Council for a period of three years beginning on 1 January 2014;
1. Expresses its deep concern over the persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the People's Republic of China, including from large numbers of Falun Gong practitioners imprisoned for their religious beliefs, as well as from members of other religious and ethnic minority groups;
 2. Stresses that phasing out the harvesting of organs from executed prisoners only by 2015 is not acceptable; calls on the Government of the People's Republic of China to end immediately the practice of harvesting organs from prisoners of conscience and members of religious and ethnic minority groups;
 3. Calls for the EU and its Member States to raise the issue of organ harvesting in China; recommends that the Union and its Member States publicly condemn organ transplant abuses in China and raise awareness of this issue among their citizens travelling to China; calls for a full and transparent investigation by the EU into organ transplant practices in China, and for the prosecution of those found to have engaged in such unethical practices;
 4. Calls on the Chinese authorities to respond thoroughly to the requests of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on freedom of religion or belief asking the Chinese Government to explain the sources of extra organs following the increase in the number of organ transplant operations, and to allow them to conduct an investigation into organ transplant practices in China;
 5. Calls for the immediate release of all prisoners of conscience in China, including Falun Gong practitioners;
 6. 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 United Nations Secretary-General, the United Nations Human Rights Council, the Government of the People's Republic of China and the Chinese National People's Congress.
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P7_TA(2013)0604

Situation in Sri Lanka

European Parliament resolution of 12 December 2013 on the situation in Sri Lanka (2013/2982(RSP))

(2016/C 468/31)

The European Parliament,

- having regard to its resolutions of 22 October 2009 ⁽¹⁾ and 12 May 2011 ⁽²⁾ on the situation in Sri Lanka,
 - having regard to the final report of Sri Lanka's Lessons Learnt and Reconciliation Commission of November 2011,
 - having regard to the United Nations Human Rights Council resolutions of 18 March 2013 and 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,
 - having regard to the report of the UN Secretary-General's Internal Review Panel of November 2012 on UN actions in Sri Lanka during the final stages of the war in Sri Lanka and its aftermath, inquiring into the failure of the international community to protect civilians from large-scale violations of humanitarian and human rights law,
 - having regard to the statement by the UN High Commissioner for Human Rights, Navi Pillay, of 31 August 2013 and to her report to the UN Human Rights Council of 25 September 2013,
 - having regard to the report of French charity Action against Hunger on the execution in 2006 of 17 of its local staff in the northern town of Muttur,
 - having regard to the Local European Union statement of 5 December 2012 on the rule of law in Sri Lanka ⁽³⁾,
 - having regard to the declaration of 18 January 2013 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on behalf of the EU on the impeachment of former Sri Lankan Chief Justice Shirani Bandaranayake,
 - having regard to the recent Commonwealth heads of government meeting in Colombo and to UK Prime Minister David Cameron's call for an independent investigation into war crime allegations,
 - having regard to the conventions to which Sri Lanka is a party, notably the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention Against Corruption,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas in May 2009 the decades-long conflict between the Sri Lankan Government and the separatist Liberation Tigers of Tamil Eelam (LTTE) in the north of the country came to an end with the defeat and surrender of the latter and the death of their leader;

⁽¹⁾ OJ C 265 E, 30.9.2010, p. 29.

⁽²⁾ OJ C 377 E, 7.12.2012, p. 156.

⁽³⁾ http://eeas.europa.eu/delegations/sri_lanka/documents/press_corner/20121205_en.pdf

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- B. whereas in the final months of the conflict, intense fighting in civilian areas resulted in what are estimated to be tens of thousands of civilian deaths and injuries and some 6 000 disappearances;
- C. whereas on 23 May 2009 the UN Secretary-General, Ban Ki-moon, and the President of Sri Lanka, Mahinda Rajapaksa, signed a joint statement in which the Sri Lankan Government agreed to take measures to guarantee accountability for alleged war crimes and crimes against humanity during the final stages of the 26-year-long internal conflict;
- D. whereas on 15 May 2010 President Rajapaksa appointed a Lessons Learnt and Reconciliation Commission (LLRC); whereas the large number of people who have reportedly come forward on their own initiative to speak to the LLRC illustrates the strong wish and need for a national dialogue on the conflict;
- E. whereas the UN panel of experts' report of 26 April 2011 found that there were credible reports of both government forces and the LTTE having committed war crimes in the months leading up to May 2009, when government forces declared victory over the separatists;
- F. whereas the serious nature of the allegations in that report and the continued international campaign for an accurate assessment of the events, including on the margins of the recent Commonwealth summit, underline the need for this issue to be resolved before lasting reconciliation can be achieved in Sri Lanka;
- G. whereas a nationwide census has now begun in Sri Lanka to ascertain first-hand the scale and circumstances of civilian deaths and injuries, along with damage to property, inflicted during the conflict, in accordance with a key recommendation of the LLRC report;
- H. whereas in August 2013 a Presidential Commission of Inquiry was established to investigate and report on disappearances in the Northern and Eastern Provinces between 1990 and 2009;
- I. whereas on 25 September 2013 Navi Pillay called on the Sri Lankan Government to use the time left before she delivers a report on the country to the UN Human Rights Council at its March 2014 meeting 'to engage in a credible national process with tangible results', including the 'prosecution of individual perpetrators', otherwise 'the international community will have a duty to establish its own inquiry mechanisms';
- J. whereas the internal review panel on the UN's functioning in Sri Lanka during the final phase of the war came to the conclusion that the UN institutions' failure 'to stand up for the rights of the people they were mandated to assist' 'collectively amounted to a failure by the UN to act within the scope of institutional mandates to meet protection responsibilities';
1. Expresses its appreciation for the restoration of peace in Sri Lanka, which is a great relief for the whole population, and acknowledges the efforts that have been made by the Government of Sri Lanka, with the support of the international community, to rebuild infrastructure and resettle the majority of the country's 400 000 internally displaced people;
 2. Notes the progress which has been achieved in attaining the Millennium Development Goals, the trilingual policy — notably in teaching Sinhala, Tamil and English to public officials — and the recently decided nationwide census to tally 'human and property damages' inflicted during the civil war;
 3. Welcomes the first ever elections to the Provincial Council in the Northern Province, held on 21 September 2013, which the Tamil National Alliance (TNA) party won with an overwhelming majority;
 4. Hopes that the peace dividend will pay off, further enhancing the country's development agenda and allowing its citizens and increasing numbers of foreign visitors to take full advantage of the natural and cultural potential it has to offer; stresses that long-term stability demands genuine reconciliation with full participation by local populations;

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5. Notes with concern that the presence of government military forces in the former conflict areas remains considerable, leading to human rights violations including land grabbing, with more than one thousand court cases pending that involve landowners who have lost their property, and worrying numbers of reported sexual assaults and other abuses of women, bearing in mind the particular vulnerability of the tens of thousands of war widows;
 6. Commends the national action plan for implementation of the LLRC recommendations, and calls on the government to intensify its efforts to fully implement the recommendations, namely to carry out credible investigations into the widespread allegations of extrajudicial killings and enforced disappearances, to further demilitarise the north of Sri Lanka, to complete impartial land dispute resolution mechanisms, to re-evaluate detention policies, to strengthen formerly independent civil institutions such as the police force, the judiciary and the Human Rights Commission, and to reach a long-term political settlement on the further devolution of power to the provinces; calls for the Presidential Commission of Inquiry to cover disappearances not only in the Northern and Eastern Provinces but also in the rest of the country;
 7. Expresses considerable concern at the continuing reports of intimidation and human rights violations (including by the security forces), extrajudicial killings, torture and violations of freedom of expression, association and peaceful assembly, along with reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief; calls on the Sri Lankan Government to take the necessary measures;
 8. Welcomes recent moves on the part of the administration to investigate the alleged killing by government forces of 17 local aid workers from the French charity Action for Hunger in the northern town of Muttur, along with the killing of five youths in Trincomalee in 2006; urges the authorities to do everything in their power to bring those responsible for the massacres to justice;
 9. Urges the Sri Lankan Government to act on the calls for accountability for alleged wartime violations of international human rights and humanitarian law by initiating an independent and credible investigation into alleged violations by March 2014, and considers that otherwise the UN should initiate an international investigation;
 10. Encourages the Sri Lankan Government to draft an effective witness protection bill so that witnesses of such crimes receive sufficient protection;
 11. Commends the demining activities of the Sri Lankan army and international NGOs such as the Halo Trust, and recognises the considerable funding provided by the EU and the additional funding announced by the UK; urges the Sri Lankan Government and armed forces, along with the EU and its Member States, to continue to provide the necessary resources for the further clearance of land mines, which are a serious obstacle to rehabilitation and economic regeneration; calls once more for Sri Lanka to accede to the Ottawa Mine Ban Treaty;
 12. Notes with concern that, according to Europol's recent 'EU Terrorism Situation and Trend Report', the LTTE, which has carried out indiscriminate terrorist attacks in the past, is still active internationally;
 13. Calls on the UN and its member states to analyse carefully the failures of the international community in Sri Lanka and to take adequate measures to ensure that, if confronted with a similar situation in the future, the UN will be able to meet much higher standards in terms of fulfilling its protection and humanitarian responsibilities;
 14. Instructs its President to forward this resolution to the Council, the Commission, 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 Secretary-General, the UN Human Rights Council and the Government and Parliament of Sri Lanka.
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II

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

EUROPEAN PARLIAMENT

P7_TA(2013)0550

Reports on fact-finding visits for the investigation of petitions (interpretation of Rule 202(5) of the Rules of Procedure)**European Parliament decision of 10 December 2013 concerning reports on fact-finding visits for the investigation of petitions (interpretation of Rule 202(5) of the Rules of Procedure) (2013/2258(REG))**

(2016/C 468/32)

The European Parliament,

- having regard to the letter of 26 November 2013 from the Chair of the Committee on Constitutional Affairs,
- having regard to Rule 211 of its Rules of Procedure,

1. Decides to append the following interpretation to Rule 202(5):

‘Fact-finding visits and the reports on those visits are aimed solely at providing the Committee with the requisite information to enable it to consider the petition further. Such reports are drafted under the exclusive responsibility of the participants in the visit, who shall seek to reach a consensus. Failing such a consensus, the report must set out the divergent findings of fact or assessments. The report is submitted to the Committee for its approval by a single vote, unless the Chair declares, where appropriate, that amendments may be tabled to parts of the report. Rule 52 does not apply to these reports, either directly or mutatis mutandis. In the absence of approval by the Committee, reports shall not be forwarded to the President.’;

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

P7_TA(2013)0519

Justice Programme 2014-2020 *I**

European Parliament legislative resolution of 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Justice Programme (COM(2011)0759 — C7-0439/2011 — 2011/0369(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/33)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2011)0759),
 - having regard to Article 294(2), Article 81(1) and (2), Article 82(1) and Article 84 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0439/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 18 July 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 6 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs under Rule 51 of the Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets and of the Committee on Women's Rights and Gender Equality (A7-0396/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 299, 4.10.2012, p. 103.

⁽²⁾ OJ C 277, 13.9.2012, p. 43.

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P7_TC1-COD(2011)0369

Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council establishing a Justice Programme for the period 2014 to 2020

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1382/2013.)

Tuesday 10 December 2013

P7_TA(2013)0520

Rights and Citizenship Programme 2014-2020 *I**

European Parliament legislative resolution of 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing for the period 2014 to 2020 the Rights and Citizenship Programme (COM(2011)0758 — C7-0438/2011 — 2011/0344(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/34)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0758),
 - having regard to Article 294(2) and Articles 19(2), 21(2), 114, 168, 169 and 197 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0438/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 26 April 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 18 July 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 6 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Budgets, the Committee on Employment and Social Affairs, the Committee on Legal Affairs, the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A7-0397/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0344

Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1381/2013.)

⁽¹⁾ OJ C 191, 29.6.2012, p. 108.

⁽²⁾ OJ C 277, 13.9.2012, p. 43.

Tuesday 10 December 2013

P7_TA(2013)0521

Autonomous trade preferences for Moldova *I****European Parliament legislative resolution of 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova (COM(2013)0678 — C7-0305/2013 — 2013/0325(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/35)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0678),
 - 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 (C7-0305/2013),
 - 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 5 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0422/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2013)0325**Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 55/2008 introducing autonomous trade preferences for the Republic of Moldova***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1384/2013.)*

Tuesday 10 December 2013

P7_TA(2013)0522

EU-Morocco Fisheries Partnership Agreement: protocol setting out fishing opportunities and financial contributions ***

European Parliament legislative resolution of 10 December 2013 on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (14165/2013 — C7-0415/2013 — 2013/0315(NLE))

(Consent)

(2016/C 468/36)

The European Parliament,

- having regard to the draft Council decision (14165/2013),
 - having regard to the draft protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (14162/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a) and (7) of the Treaty on the Functioning of the European Union (C7-0415/2013),
 - having regard to its resolution of 14 December 2011 on the draft Council decision on the conclusion of a Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽¹⁾,
 - having regard to its resolution of 14 December 2011 on the future Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽²⁾,
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0417/2013),
1. Consents to conclusion of the protocol;
 2. Recalls the European Parliament's right to be kept punctually and fully informed about the application of the Protocol and its results, and therefore insists once again that representatives of the European Parliament should have the opportunity to attend meetings of the joint committee provided for in Article 10 of the Fisheries Agreement as observers. Further calls for Parliament to be provided with documentation on the guidelines, objectives and indicators concerning the chapter relating to support for the fisheries sector in Morocco, and all the information necessary for the proper monitoring of the aspects included in Article 6 of the Protocol, including the final report that Morocco is to submit on the implementation of the sectoral support programme. Also reiterates its request to the Commission that it submit a full report on the results and operation of the current Protocol to the European Parliament, before opening negotiations on a new protocol.
 3. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Kingdom of Morocco.

⁽¹⁾ OJ C 168 E, 14.6.2013, p. 155.

⁽²⁾ OJ C 168 E, 14.6.2013, p. 8.

Tuesday 10 December 2013

P7_TA(2013)0523

ILO Convention concerning safety in the use of chemicals at work ***

European Parliament legislative resolution of 10 December 2013 on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Convention concerning Safety in the Use of Chemicals at Work, 1990, of the International Labour Organisation (Convention No 170) (11463/2013 — C7-0236/2013 — 2012/0320(NLE))

(Consent)

(2016/C 468/37)

The European Parliament,

- having regard to the draft Council decision (11463/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 114 in conjunction 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 (C7-0236/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Employment and Social Affairs (A7-0400/2013),
1. Consents 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.
-

Tuesday 10 December 2013

P7_TA(2013)0524

Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition ***

European Parliament legislative resolution of 10 December 2013 on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (12324/2013 — C7-0379/2013 — 2013/0083(NLE))

(Consent)

(2016/C 468/38)

The European Parliament,

- having regard to the draft Council Decision (12324/2013),
 - having regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,
 - having regard to the request for consent submitted by the Council in accordance with Article 114(1) and Article 207, and with Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0379/2013),
 - having regard to the Stockholm Programme and its implementing Action Plan ⁽¹⁾,
 - having regard to its resolution of 12 September 2013 on the Second Report on the implementation of the EU Internal Security Strategy ⁽²⁾,
 - having regard to its resolution of 23 October 2013 on organised crime, corruption, and money laundering: recommendations on action and initiatives to be taken (CRIM committee final report) ⁽³⁾,
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0359/2013),
1. Consents to the conclusion of the Protocol;
 2. Instructs its President to forward its position to the Council, the Commission, the governments and parliaments of the Member States, Europol and Eurojust.

⁽¹⁾ COM(2010)0171.

⁽²⁾ Texts adopted, P7_TA(2013)0384.

⁽³⁾ Texts adopted, P7_TA(2013)0444.

Tuesday 10 December 2013

P7_TA(2013)0525

EU-China Agreement relating to the modification of concessions in the schedules of Bulgaria and Romania in the course of their accession to the EU ***

European Parliament legislative resolution of 10 December 2013 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV: 6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (16112/2012 — C7-0285/2013 — 2012/0304(NLE))

(Consent)

(2016/C 468/39)

The European Parliament,

- having regard to the draft Council decision (16112/2012),
 - having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and the People's Republic of China pursuant to Article XXIV: 6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (16118/2012),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C7-0285/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Foreign Affairs (A7-0332/2013),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the People's Republic of China.
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Tuesday 10 December 2013

P7_TA(2013)0526

Importation of beef from animals not treated with certain growth-promoting hormones and increased duties applied by the United States to certain products of the European Union ***

European Parliament legislative resolution of 10 December 2013 on the draft Council decision on the conclusion of a revised Memorandum of Understanding with the United States of America Regarding the Importation of Beef from Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Union (14374/2013 — C7-0377/2013 — 2013/0324(NLE))

(Consent)

(2016/C 468/40)

The European Parliament,

- having regard to the draft Council decision (14374/2013),
 - having regard to the draft revised Memorandum of Understanding with the United States of America Regarding the Importation of Beef from Animals Not Treated with Certain Growth-Promoting Hormones and Increased Duties Applied by the United States to Certain Products of the European Union (14375/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 207(4), first subparagraph and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C7-0377/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade and the opinion of the Committee on Agriculture and Rural Development (A7-0427/2013),
1. Consents to conclusion of the revised Memorandum of Understanding;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the United States of America.

Tuesday 10 December 2013

P7_TA(2013)0527

EU-Côte d'Ivoire Fisheries Partnership Agreement: protocol setting out the fishing opportunities and financial contribution ***

European Parliament legislative resolution of 10 December 2013 on the draft Council Decision on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-2018) (08701/2013 — C7-0216/2013 — 2013/0102(NLE))

(Consent)

(2016/C 468/41)

The European Parliament,

- having regard to the draft Council decision (08701/2013),
 - having regard to the draft Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-2018) (08699/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0216/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0416/2013),
1. Consents to conclusion of the Protocol;
 2. Calls on the Commission to provide the European Parliament with relevant information on the meetings of the Joint Committee provided for in Article 9 of the Agreement, in particular the corresponding minutes and conclusions, together with an annual report on the results of the practical implementation of the multiannual sectoral support programme referred to in Article 3 of the Protocol; calls further on the Commission, during the final year of the Protocol's validity and before the opening of negotiations on its renewal, to submit to the European Parliament and the Council an ex-post assessment report containing a cost-benefit analysis of the implementation of the Protocol;
 3. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and of the Republic of Côte d'Ivoire.
-

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P7_TA(2013)0528

Imports of certain fishery products into the Canary Islands from 2014 to 2020 *

European Parliament legislative resolution of 10 December 2013 on the proposal for a Council regulation opening and providing for the administration of autonomous tariff quotas of the Union on imports of certain fishery products into the Canary Islands from 2014 to 2020 (COM(2013)0552 — C7-0262/2013 — 2013/0266(CNS))

(Special legislative procedure — consultation)

(2016/C 468/42)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0552),
 - having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0262/2013),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A7-0415/2013),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Tuesday 10 December 2013

P7_TA(2013)0529

Mobilisation of the European Globalisation Adjustment Fund — application EGF/2013/001 FI/Nokia from Finland

European Parliament resolution of 10 December 2013 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/001 FI/Nokia from Finland) (COM(2013)0707 — C7-0359/2013 — 2013/2264(BUD))

(2016/C 468/43)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2013)0707 — C7-0359/2013),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (the EGF Regulation),
 - having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0411/2013),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and as efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard to the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF),
- C. whereas Finland submitted application EGF/2013/001 FI/Nokia for a financial contribution from the EGF, following 4 509 redundancies in Nokia, with 3 719 workers targeted for EGF co-funded measures during the reference period 1 August 2012 to 30 November 2012,
- D. whereas the application fulfils the eligibility criteria laid down in the EGF Regulation,
1. Agrees with the Commission that the conditions laid down in point (a) of Article 2 of the EGF Regulation are met and that Finland is therefore entitled to a financial contribution under that Regulation;
 2. Notes that the Finnish authorities submitted the application for an EGF financial contribution on 1 February 2013 and that its assessment was made available by the Commission on 16 October 2013; regrets the lengthy evaluation period and inquires as to why this particular application required eight months of assessment, whereas an application relating to Nokia Salo in 2012 was evaluated within three months;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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3. Considers that the redundancies in Nokia plc, Nokia Siemens Networks and 30 of its suppliers and subcontractors involved in the mobile phone sector are linked to major structural changes in world trade patterns due to globalisation, in particular the transfer of functions within the sector to third countries and a decrease in Nokia's market share for basic mobile phones and smartphones;
4. Notes that Nokia Finland (Salo area) was already subject to large scale redundancies in 2012 (EGF/2012/006 FI/Nokia Salo) with this new wave bringing the number of affected Nokia employees to more than 6 000, which presents a great challenge for the affected localities, as well as for the Finnish economy as a whole;
5. Regrets the fact that the redundancies in Nokia stem from its corporate decision to move its production plants, as well as design and product development, to Asia and are part of its plan to reduce global employment in the Nokia Corporation by 17 000 workers by the end of 2013; notes that that decision has given rise to three EGF mobilisations in favour of 6 138 Nokia workers;
6. Recalls that the EGF already acted in favour of 1 337 workers who were dismissed as a result of the relocation of Nokia from Germany to Romania in 2008; notes that five years later, the EGF is being mobilised for the fourth time in relation to dismissals in Nokia;
7. Welcomes the fact that the Finnish authorities started the implementation of the coordinated package of personalised service when the dismissals started on 1 August 2012 in order to assist workers before they ceased working at Nokia;
8. Notes that the coordinated package of personalised services to be co-funded includes measures for the reintegration of 3 719 redundant workers into employment such as coaching and other preparatory measures, training and retraining, entrepreneurship promotion and services for new entrepreneurs, support for starting independent business operations, mobility assistance, employment services at the Service Point, pay subsidies and a company-based data acquisition scheme;
9. Welcomes the fact that the package contains innovative measures such as Protomo, a matching service for new business start-ups;
10. Notes that the financial allowances to be covered by the EGF are limited and that the majority of support will be devoted to training and entrepreneurship;
11. Welcomes the fact that the social partners i.e. the Council of Finnish Industrial Unions (e.g. Trade Union Pro, the Finnish Metalworkers' Union) were consulted in relation to the preparation of the EGF application and that a policy of equality between women and men as well as the principle non-discrimination will be applied during the various stages of the implementation of and in access to the EGF;
12. Welcomes the fact that the redundancies and the preparation of the coordinated package of personalised services are addressed by a dedicated working group comprising the social partners (including Nokia representatives) and regional authorities;
13. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout a worker's professional career; expects the training on offer in the coordinated package to be adapted not only to the needs of the dismissed workers but also to the actual business environment;
14. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on complementarity with actions funded by the Structural Funds; stresses that the Finnish authorities confirm that the eligible actions do not receive assistance from other Union financial instruments; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

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15. Requests that the institutions involved make the necessary efforts to improve procedural arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for the accelerated release of grants, which aims to present to the budgetary authority the Commission's assessment of eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be integrated in the new Regulation on the European Globalisation Adjustment Fund (2014-2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;
16. Stresses that in accordance with Article 6 of the EGF Regulation, it shall be ensured that the EGF supports the reintegration of individual redundant workers into stable employment; stresses, furthermore, that EGF assistance can co-finance only active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must not replace neither actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
17. Welcomes the agreement reached in the Council on reintroducing in the EGF Regulation for the period 2014-2020 the crisis mobilisation criterion, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns.
18. Approves the decision annexed to this resolution;
19. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
20. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/001 FI/Nokia from Finland)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/788/EU.)

Tuesday 10 December 2013

P7_TA(2013)0530

Mobilisation of the European Globalisation Adjustment Fund — application EGF/2013/003 DE/First Solar from Germany

European Parliament resolution of 10 December 2013 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/003 DE/First Solar from Germany) (COM(2013)0706 — C7-0358/2013 — 2013/2263(BUD))

(2016/C 468/44)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2013)0706 — C7-0358/2013),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (the EGF Regulation),
 - having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0408/2013),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and as efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard to the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF),
- C. whereas Germany submitted application EGF/2013/003 DE/First Solar for a financial contribution from the EGF following 959 redundancies in First Solar Manufacturing GmbH, with 875 workers targeted for EGF co-funded measures during the reference period 15 November 2012 to 15 March 2013,
- D. whereas the application fulfils the eligibility criteria laid down in the EGF Regulation,
1. Agrees with the Commission that the conditions laid down in point (a) of Article 2 of the EGF Regulation are met and that Germany is therefore entitled to a financial contribution under that Regulation;
 2. Notes that the German authorities submitted the application for an EGF financial contribution on 12 April 2013 and that its assessment was made available by the Commission on 16 October 2013; welcomes the speedy evaluation period of six months;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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3. Notes that the redundancies in First Solar Manufacturing GmbH led to an immediate increase of the rate of unemployment by 4 percentage points, while the area concerned (Land of Brandenburg) is already suffering from an above-average rate of unemployment (11,3 % compared with a national average of 7,4 % in February 2013);
4. Considers that the redundancies in First Solar Manufacturing GmbH involved in solar energy production are linked to major structural changes in world trade patterns, the build up of huge overcapacities in solar modules in China and a worldwide decline in demand, which has led to a collapse in prices by about 40 %, compared with the previous year which also caused the closure of the two plants in 2013;
5. Notes that the redundancies concerned are part of a broad restructuring plan which cut the global work force of First Solar Manufacturing GmbH by 30 % to sharply reduce its global production capacity and resulted in closing both sites located in Germany; stresses the added value of EGF in reacting to redundancies caused by unexpected market changes linked to globalisation;
6. Welcomes the fact that in order to provide workers with speedy assistance, the German authorities decided to initiate the implementation of the personalised services to the affected workers on 1 January 2013, well ahead of the final decision on granting the EGF support for the proposed coordinated package; notes that redundant workers have also benefitted from the ESF support before participating in the EGF measures; welcomes the fact that the German authorities confirmed that the necessary precautions have been taken to avoid double financing from Union funds;
7. Notes that the coordinated package of personalised services to be co-funded includes measures for the reintegration of 875 redundant workers into employment such as training courses leading to qualifications, training management, workshops and peer groups, support services and international job searches, in-depth business creation advice, job searches, activation grants, follow-up and aftercare, and subsistence allowances;
8. Notes that more than half of the EGF support will be spent on allowances that 875 workers are said to receive during their active participation in the measures as a subsistence allowance (estimated cost EUR 2 714 per worker over nine months); further notes that the application includes a lump sum of EUR 1 869 as an activation premium for 200 workers who quickly find a job without further assistance after the conclusion of those measures;
9. Recalls that the EGF support should primarily be allocated to job searches and training programmes instead of contributing directly to financial allowances; notes that, if included in the package, such allowances should be of a complementary nature and should never replace allowances under the responsibility of Member States or companies by virtue of national law or collective agreements; stresses, in this context, that the new EGF regulation for 2014-2020 will limit the inclusion of financial allowances in the package to a maximum of 35 % of the cost of the measures and that a disproportionate rate of allowances will not be repeated under the new regulation;
10. Welcomes the fact that the social partners adopted a social plan for the redundancies in First Solar Manufacturing GmbH and that a transfer company will design and manage the coordinated package of personalised services; notes that its operation during the first six months is paid by First Solar Manufacturing GmbH and the ESF via its federal programme and that the services of the transfer company will be extended to new measures financed by the EGF; notes that a policy of equality between women and men as well as the principle of non-discrimination will be applied during the various stages of the implementation of and in access to the EGF;
11. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout a worker's professional career; expects the training on offer in the coordinated package to be adapted not only to the needs of the dismissed workers but also to the actual business environment;
12. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on complementarity with actions funded by the European Structural Funds; stresses that the German authorities confirm that the eligible actions do not receive assistance from other Union financial instruments; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;

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13. Requests that the institutions involved make the necessary efforts to improve procedural arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for the accelerated release of grants, which aims to present to the budgetary authority the Commission's assessment of the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be integrated in the new Regulation on EGF (2014-2020) and that greater efficiency, transparency and visibility of the EGF will be achieved;
14. Stresses that, in accordance with Article 6 of the EGF Regulation, it shall be ensured that the EGF supports the reintegration of individual redundant workers into stable employment; stresses, furthermore, that EGF assistance can co-finance only active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must replace neither actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
15. Welcomes the agreement reached in the Council on reintroducing in the EGF Regulation for the period 2014-2020 the crisis mobilisation criterion, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns.
16. Approves the decision annexed to this resolution;
17. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
18. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2013/003 DE/First Solar from Germany)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/789/EU.)

Tuesday 10 December 2013

P7_TA(2013)0531

Mobilisation of the European Globalisation Adjustment Fund — application EGF/2012/011 DK/Vestas from Denmark

European Parliament resolution of 10 December 2013 on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/011 DK/Vestas from Denmark) (COM(2013)0703 — C7-0357/2013 — 2013/2262(BUD))

(2016/C 468/45)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0703 — C7-0357/2013),
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾ (IIA of 17 May 2006), and in particular point 28 thereof,
 - having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 on establishing the European Globalisation Adjustment Fund ⁽²⁾ (the EGF Regulation),
 - having regard to the trilogue procedure provided for in point 28 of the IIA of 17 May 2006,
 - having regard to the letter of the Committee on Employment and Social Affairs,
 - having regard to the report of the Committee on Budgets (A7-0410/2013),
- A. whereas the Union has set up legislative and budgetary instruments to provide additional support to workers who are suffering from the consequences of major structural changes in world trade patterns and to assist their reintegration into the labour market,
- B. whereas the Union's financial assistance to workers made redundant should be dynamic and made available as quickly and as efficiently as possible, in accordance with the Joint Declaration of the European Parliament, the Council and the Commission adopted during the conciliation meeting on 17 July 2008, and having due regard to the IIA of 17 May 2006 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF),
- C. whereas Denmark submitted application EGF/2012/011 DK/Vestas for a financial contribution from the EGF, following 611 redundancies in the Vestas Group, with 611 workers targeted for EFG co-funded measures during the reference period 18 September 2012 to 18 December 2012,
- D. whereas the application fulfils the eligibility criteria laid down in the EGF Regulation,
1. Agrees with the Commission that the conditions laid down in point (a) of Article 2 of the EGF Regulation are met and that Denmark is therefore entitled to a financial contribution under that Regulation;

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

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2. Notes that the Danish authorities submitted the application for an EGF financial contribution on 21 December 2012 and that its assessment was made available by the Commission on 16 October 2013; notes that the evaluation of that application took much longer compared to the Vestas case submitted by Denmark in May 2012;
3. Considers that the redundancies in the Vestas Group concerning wind turbine manufacturing are linked to major structural changes in world trade patterns due to globalisation, in particular a stagnation of demand for wind turbine installations in the Union and a growth of the Asian market, the penetration of the Union market by Chinese wind turbine manufacturers at more competitive prices and a significant reduction of the Union market share in total capacity from 66 % in 2006 to 27,5 % in 2012 ⁽¹⁾;
4. Is of the opinion that the Union wind energy market is set to grow further, generating demand for the Union's wind turbine manufacturers and associated industries through the ongoing promotion of energy from renewable sources at Union level; notes, in this respect, the mandatory national targets for the use of renewable energy by 2020; therefore expresses concern about this particular relocation and points out the risk of importation of wind turbines produced in Asia into the Union market;
5. Notes that the dismissals concerned are the direct result of the strategic decision taken by the Vestas Group in November 2011 to reorganise its structure and increase proximity to its customers in the regional markets, especially in China; notes that the affected region of Ringkøbing-Skjern made considerable investments in infrastructure to attract an innovative enterprise such as the Vestas Group and that the decision of the Vestas Group puts the region into difficulties;
6. Notes that the Vestas Group was already subject to large scale redundancies in 2009/2010, with a new wave from 2012 bringing the number of affected Vestas Group employees to approximately 2 000, which presents a great challenge for the affected municipalities already subject to a rapid increase of unemployment ⁽²⁾;
7. Notes that this is the third EGF case involving the Vestas Group and the fourth EGF case in the wind turbines sector (EGF/2010/003 DK/Vestas ⁽³⁾, EGF/2010/022 DK/LM Glasfiber ⁽⁴⁾, EGF/2010/017 DK/Midtjylland Machinery ⁽⁵⁾);
8. Welcomes the fact that, in order to provide workers with speedy assistance, the Danish authorities decided to initiate the implementation of the personalised services to the affected workers on 1 March 2013, well ahead of the final decision on granting the EGF support for the proposed coordinated package;
9. Notes that the coordinated package of personalised services to be co-funded includes measures for the reintegration of 611 redundant workers into employment such as counselling, mentoring and coaching, individualised targeted training packages (intercultural training courses, language courses, entrepreneurship training, off-the-shelf courses and training programmes), entrepreneurship allowances, measures relating to workers aged 55 or older with special mentoring and outplacement and subsistence allowances;
10. Welcomes the fact that the workers will follow individualised targeted training packages to meet their needs as defined during the counselling and coaching phase;
11. Welcomes the fact that the coordinated package provides for measures with special mentoring and outplacement for workers aged 55 years or older who are likely to experience additional difficulties in finding new jobs due to their age;
12. Notes that the package contains considerable financial incentives for setting up own businesses (up to EUR 25 000) which will strictly be linked to participation in entrepreneurship courses and monitoring exercise at the end of the EGF project;

⁽¹⁾ 'World Wind Energy association' The World Wind Energy Association 2012 Annual Report', Bonn, May 2013. http://www.windea.org/webimages/WorldWindEnergyReport2012_final.pdf

⁽²⁾ www.dst.dk

⁽³⁾ COM(2012)0502 — Decision 2012/731/EU (OJ L 328, 28.11.2012, p. 19).

⁽⁴⁾ COM(2011)0258 — Decision 2011/469/EU (OJ L 195, 27.7.2011, p. 53).

⁽⁵⁾ COM(2011)0421 — Decision 2011/725/EU (OJ L 289, 8.11.2011, p. 31).

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13. Regrets, however, that more than half of the EGF support will be spent on financial allowances — all workers are said to receive subsistence allowance which is estimated at EUR 10 400 per worker;
14. Recalls that the EGF support should primarily be allocated to job searches and training programmes instead of contributing directly to financial allowances; notes that, if included in the package, such allowances should be of a complementary nature and should never replace allowances under the responsibility of Member States or companies by virtue of national law or collective agreements; stresses, in this context, that the new EGF regulation for 2014-2020 will introduce a cap on financial allowances which will not constitute more than 35 % of the cost of the package and that a disproportionate rate of allowances will not be repeated under the new regulation;
15. Welcomes the fact that the social partners, including trade unions, were consulted during the preparation of the EGF application, and that a policy of equality between women and men as well as the principle non-discrimination will be applied during the various stages of the implementation of and in access to the EGF;
16. Recalls the importance of improving the employability of all workers by means of adapted training and the recognition of skills and competences gained throughout a worker's professional career; expects the training on offer in the coordinated package to be adapted not only to the needs of the dismissed workers but also to the actual business environment;
17. Notes that the information provided on the coordinated package of personalised services to be funded from the EGF includes information on complementarity with actions funded by the European Structural Funds; stresses that the Danish authorities confirm that the eligible actions do not receive assistance from other Union financial instruments; reiterates its call to the Commission to present a comparative evaluation of those data in its annual reports in order to ensure full respect of the existing regulations and that no duplication of Union-funded services can occur;
18. Requests that the institutions involved make the necessary efforts to improve procedural arrangements in order to accelerate the mobilisation of the EGF; appreciates the improved procedure put in place by the Commission, following Parliament's request for the accelerated release of grants, which aims to present to the budgetary authority the Commission's assessment of the eligibility of an EGF application together with the proposal to mobilise the EGF; hopes that further improvements in the procedure will be integrated in the new EGF Regulation for 2014-2020 and that greater efficiency, transparency and visibility of the EGF will be achieved;
19. Stresses that, in accordance with Article 6 of the EGF Regulation, it shall be ensured that the EGF supports the reintegration of individual redundant workers into stable employment; stresses, furthermore, that EGF assistance can co-finance only active labour market measures which lead to durable, long-term employment; reiterates that assistance from the EGF must replace neither actions which are the responsibility of companies by virtue of national law or collective agreements, nor measures restructuring companies or sectors;
20. Welcomes the agreement reached in the Council on reintroducing in the EGF Regulation for the period 2014-2020 the crisis mobilisation criterion, which allows for the provision of financial assistance to workers made redundant as a result of the current financial and economic crisis in addition to those losing their job because of changes in global trade patterns;
21. Approves the decision annexed to this resolution;
22. Instructs its President to sign the decision with the President of the Council and arrange for its publication in the *Official Journal of the European Union*;
23. Instructs its President to forward this resolution, including its annex, to the Council and the Commission.

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ANNEX

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/011 DK/Vestas from Denmark)

(The text of this annex is not reproduced here since it corresponds to the final act, Decision 2013/787/EU.)

Tuesday 10 December 2013

P7_TA(2013)0537

Common Fisheries Policy *II**

European Parliament legislative resolution of 10 December 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002, (EC) No 639/2004 and Council Decision (EC) No 2004/585/EC (12007/3/2013 — C7-0375/2013 — 2011/0195(COD))

(Ordinary legislative procedure: second reading)

(2016/C 468/46)

The European Parliament,

- having regard to the Council position at first reading (12007/3/2013 — C7-0375/2013),
 - having regard to the opinion of the European Economic and Social Committee of 28 March 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 4 March 2012 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2011)0425),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Fisheries (A7-0409/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament and the Council, and the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Notes that the act is adopted in accordance with the Council position;
 4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 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 and of the Council on data collection**

The European Parliament and the Council request the Commission to fast track the adoption of a proposal to amend Council Regulation (EC) No 199/2008 in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new Regulation on the CFP can be given practical effect as early as possible.

⁽¹⁾ OJ C 181, 21.6.2012, p. 183.

⁽²⁾ OJ C 225, 27.7.2012, p. 20.

⁽³⁾ Texts adopted of 6.2.2013, P7_TA(2013)0040.

Tuesday 10 December 2013

Statement of the European Parliament, the Council and the Commission on multi-annual plans

The European Parliament, the Council and the Commission are committed to working together to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy.

The European Parliament, the Council and the Commission have established an inter-institutional taskforce, composed of the representatives from the three institutions, in order to help find practical solutions and the most appropriate way forward.

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P7_TA(2013)0538

Common organisation of the markets in fishery and aquaculture products *II**

European Parliament legislative resolution of 10 December 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (12005/2/2013 — C7-0376/2013 — 2011/0194(COD))

(Ordinary legislative procedure: second reading)

(2016/C 468/47)

The European Parliament,

- having regard to the Council position at first reading (12005/2/2013 — C7-0376/2013),
 - having regard to the opinion of the European Economic and Social Committee of 28 March 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 4 May 2012 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2011) 0416),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Fisheries (A7-0413/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament and the Council 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.

⁽¹⁾ OJ C 181, 21.6.2012, p. 183.

⁽²⁾ OJ C 225, 27.7.2012, p. 20.

⁽³⁾ Texts adopted of 12.9.2012, P7_TA(2012)0333.

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ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament and by the Council on control rules in the area of product traceability and consumer information

As a follow-up to the reform of the Regulation on the common organisation of the markets in fishery and aquaculture products, the European Parliament and the Council invite the European Commission to submit to them a proposal aiming at amending the Control Regulation (Regulation (EC) No 1224/2009). Such amendment should take into account the need for regulating the provision of gear type information as regards products derived from wild capture fisheries.

The European Parliament and the Council also invite the Commission to adopt, in due time, the necessary amendments to the Commission Implementing Regulation (EU) No 404/2011 as regards the mandatory information to the consumer in order to take into account the provisions of this Regulation, the Control Regulation, as amended, and Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers.

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P7_TA(2013)0539

North-East Atlantic: deep-sea stocks and fishing in international waters *I**

European Parliament legislative resolution of 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002 (COM(2012)0371 — C7-0196/2012 — 2012/0179(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/48)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0371),
 - 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 (C7-0196/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 13 February 2013 ⁽¹⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the FAO's Code of Conduct for Responsible Fisheries and the European Commission's Code of Sustainable and Responsible Fisheries Practices,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0395/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2012)0179

Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Council Regulation (EC) No 2347/2002

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

⁽¹⁾ OJ C 133, 9.5.2013, p. 41.

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After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 ⁽³⁾ requires the establishment of Community measures governing access to waters and resources and the sustainable pursuit of fishing activities and necessary to ensure the rational and responsible exploitation of resources on a sustainable basis. Article 2 of that Regulation requires applying the ecosystem and precautionary approaches in taking measures to minimise the impact of fishing activities on marine ecosystems.
- (1a) **As established in Article 11 of the Treaty on the Functioning of the European Union (TFEU), environmental protection requirements are to be integrated into the definition and implementation of the Union policies and activities, including deep sea fisheries conservation, in particular with a view to promoting sustainable development; [Am. 1]**
- (2) The Union is committed to implement the Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72, which call on States and Regional Fisheries Management Organisations to ensure the protection of vulnerable deep-sea marine ecosystems from the destructive impact of bottom fishing gears, as well as the sustainable exploitation of deep-sea fish stocks. **Recommendations with measures developed and adopted by the North East Atlantic Fisheries Commission (NEAFC) to protect deep water vulnerable marine ecosystems against the adverse effects of bottom fishing gear, in accordance with paragraph 83(a) of Resolution 61/105 and paragraphs 119(a) and 120 of Resolution 64/72, should be formally incorporated into Union law in their entirety. [Am. 2]**
- (2a) **Furthermore, the Union should act as a leader in the establishment and implementation of good-governance measures for the sustainable management of deep-sea fisheries within international fora in line with the Resolutions adopted by the General Assembly of the United Nations and by FAO and reflected in this Regulation. [Am. 3]**
- (3) The Commission evaluated Council Regulation (EC) No 2347/2002 ⁽⁴⁾. The Commission found in particular, that the scope of the fleet concerned was too large, that there was guidance lacking on control in designated ports and on sampling programmes, and that the quality of Member States' reporting of effort levels was too variable.
- (3a) **The capacity of vessels with deep-sea fishing permits has been limited since 2002 to the aggregate capacity of all the vessels that caught more than 10 tonnes of any mixture of deep sea species in any of the years 1998, 1999 or 2000. The Commission's evaluation concluded that this capacity ceiling has had no substantial positive effect. Given the past experience and the lack of accurate data in many deep sea fisheries, it is inadequate to manage these fisheries by means of effort limits only. [Am. 4]**
- (4) In order to maintain necessary reductions in fishing capacity achieved so far in deep-sea fisheries, it is appropriate to provide that fishing for deep-sea species is subject to a fishing authorisation which limits the capacity of vessels eligible to land deep-sea species. With a view to focus management measures on the part of the fleet most relevant for deep-sea fisheries, the fishing authorisations should be issued according to target or by-catch fishery. **However,**

⁽¹⁾ OJ C 133, 9.5.2013, p. 41.

⁽²⁾ Position of the European Parliament of 10 December 2013.

⁽³⁾ Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59).

⁽⁴⁾ Council Regulation (EC) No 2347/2002 of 16 december 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

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the obligation to land all catches established in Regulation (EU) No .../2013 of the European Parliament and of the Council⁽¹⁾ should be taken into account so that vessels catching a small quantity of deep-sea species and which are not currently subject to a deep-sea fishing permit, are not deprived of the opportunity to continue their traditional fishing activities. [Am. 5]

- (5) Holders of a fishing authorisation allowing the catch of deep-sea species should cooperate in scientific research activities leading to an improvement in the assessment of deep-sea stocks and **research into** deep-sea ecosystems. [Am. 6]
- (6) When targeting other species in areas on the continental slope also authorised to deep-sea fisheries, vessel owners should keep a fishing authorisation allowing deep-sea by-catches.
- (7) Deep-sea fishing with bottom trawls ~~carry~~ **carries** the highest risk for vulnerable marine ecosystems among the different gears used ~~and reports the highest rates of undesired catch of deep-sea species. Bottom trawls should therefore be permanently prohibited from the targeting of deep-sea species. [Am. 7]~~
- (8) ~~Bottom set gillnets are currently restricted in entering deep sea fisheries by Council Regulation (EC) No 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011⁽²⁾. In view of the high rates of undesired catch when they were deployed unsustainably in deep waters, and in view of the ecological impact of lost and abandoned gear, this gear should also be permanently prohibited from the targeting of deep sea species. [Am. 8]~~
- (9) ~~However, in order to provide fishermen with~~ **Fishermen require** sufficient time to adjust to the new requirements, **and** current fishing authorisations for fishing with bottom trawls and bottom-set gillnets should continue to be valid for a specified period of time, **so as to minimise the negative consequences for the fleet engaging in this fishing activity. [Am. 9]**
- (10) Moreover, vessels which ~~have~~ **wish** to change gear ~~in order to be able to stay in the fishery~~ should be eligible for receiving financial assistance from the European Fisheries Fund provided that the new gear reduces the impact of fishing on non-commercial species and provided also that the national operational programme allows contributing to such measures. [Am. 10]
- (11) Vessels targeting deep-sea species ~~with other bottom gear~~ should not extend their range of operation according to their **fishing** authorisation within Union waters unless, **following an assessment in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas ('the 2008 FAO Guidelines'), the extension is proven not to carry** a significant risk of negative impact on vulnerable marine ecosystems. [Am. 11]
- (12) Scientific advice concerning certain fish stocks found in the deep-sea indicates that these stocks are particularly vulnerable to exploitation, ~~and that fishing.~~ **Fishing** for these stocks should be limited or reduced as a precautionary measure **and should aim to achieve levels above those capable of producing maximum sustainable yield. Fishing opportunities for deep-sea stocks should not go beyond those levels which are scientifically advised as precautionary.** In the case of advice being absent for lack of sufficient information about stocks or species, no fishing opportunities should be allocated. **It should be noted however, that several stocks of deep-water species of significant commercial interest, such as Roundnose grenadier (Coryphaenoides rupestris), Blue ling (Molva dypterigia) and Black scabbardfish (Aphanopus carbo), have, according to ICES, stabilised over the last three years. [Am. 12]**

⁽¹⁾ Regulation (EU) No .../2013 of the European Parliament and of the Council of ... on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L ...).

⁽²⁾ L 347, 24.12.2009, p. 6.

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- (13) ~~Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to specific fisheries. **The lack of accurate data in most deep sea fisheries and the mixed nature of most of them make it necessary to implement complementary management measures. Where appropriate, catch limits should be combined with effort limits. Both should be set at levels which minimise and prevent impact on non-target species and vulnerable marine ecosystems.** [Am. 13]~~
- (14) In order to ensure an adapted management of the specific fisheries, Member States concerned should be empowered to take accompanying conservation measures and to annually assess the effort levels' consistency with scientific advice on sustainable exploitation. The regionally adapted effort limits should also replace the existing global limit on fishing effort agreed in NEAFC.
- (15) Given that biological information can best be collected by way of harmonised data collection standards, it is appropriate to integrate data collection on deep-sea métiers into the general framework of scientific data collection, while ensuring the provision of additional information necessary to understand the dynamics of the fisheries. For simplification purposes, the effort reporting by species should be discontinued and replaced by the analysis of recurrent scientific data calls to Member States which contain a specific chapter on deep-sea métiers. **Member States should ensure compliance with data collection and reporting obligations, in particular with those related to the protection of vulnerable marine ecosystems.** [Am. 14]
- (15a) **A large number of species are caught in deep sea fisheries, including vulnerable species of deep sea sharks. It is necessary to ensure that the obligation to land all catches in deep sea fisheries covers species not subject to catch limits and that de minimis provisions are not applied to these fisheries. A fully implemented obligation to land could greatly contribute to filling the existing data gaps in these fisheries and to a better understanding of the impact of these fisheries on the wide range of species caught.** [Am. 15]
- (16) Council Regulation (EC) No 1224/2009⁽¹⁾ lays down control and enforcement requirements concerning multiannual plans. Deep-sea species, by nature vulnerable to fishing, should receive the same attention in terms of control as other conservation species for which a multiannual management plan has been agreed.
- (17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant conservation measures.
- (18) The Convention on future multilateral cooperation in the North-East Atlantic fisheries was approved by Council Decision 81/608/EEC⁽²⁾ and entered into force on 17 March 1982. That convention provides for an appropriate framework for multilateral cooperation on the rational conservation and management of fishery resources in international waters of the North-East Atlantic. Management measures adopted in NEAFC comprise technical measures for the conservation and management of species regulated within NEAFC and for the protection of marine vulnerable habitats, including precautionary measures.
- (19) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU to specify measures accompanying annual effort limits if Member States fail to take them or if the measures they adopt are deemed not to be compatible with the objectives of this regulation or insufficient in respect of the aims indicated in this regulation.

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy (OJ L 343, 22.12.2009, p. 1).

⁽²⁾ Council Decision 81/608/EEC of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries (OJ L 227, 12.8.1981, p. 21).

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- (20) The Commission should be empowered to adopt delegated acts in accordance with Article 290 TFEU, which may be necessary to amend or supplement non-essential elements of this Regulation in cases of absence or insufficiency of the accompanying measures adopted by the Member States and linked to annual effort limits, when these replace catch limits.
- (21) It is therefore necessary to put in place new rules to regulate fishing for deep-sea stocks in the North-East Atlantic and to repeal Regulation (EC) No 2347/2002.
- (22) 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,

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1
Objectives

The objectives of this Regulation are the following:

- (a) to ensure the sustainable **management and** exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment; [Am. 16]
- (aa) to prevent significant adverse impacts on vulnerable marine ecosystems and to ensure the long-term conservation of deep sea fish stocks; [Am. 17]**
- (b) to improve the scientific knowledge on deep-sea species and their habitats for the purposes referred to in point (a);
- (ba) to minimise, and where possible prevent, by-catches; [Am. 18]**
- (c) to implement technical measures on fisheries management recommended by the North East Atlantic Fisheries Commission (NEAFC);
- (ca) to apply the precautionary and ecosystem approaches to fisheries management and to ensure that the Union measures aimed at the sustainable management of deep-sea fish stocks are consistent with Resolutions adopted by the General Assembly of the United Nations, in particular Resolutions 61/105 and 64/72. [Am. 19]**

Article 2
Scope

This Regulation applies to fishing activities or intended fishing activities in the following waters:

- (a) Union waters of International Council for the Exploration of the Sea (ICES) sub-areas II to XI and of Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2 and 34.2, **including the fishing activities carried out or intended to be carried out by fishing vessels flying the flag of, and registered in, a third country; [Am. 20]**

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(b) international waters of CECAF areas 34.1.1, 34.1.2 and 34.2 and

(c) the Regulatory Area of the NEAFC.

Article 3

Definitions

1. For the purposes of this Regulation, the definitions laid down in Article ~~3~~ **4** of Regulation (EC) No ~~2371/2002~~ **2371/2002** ~~...~~ **2013 [on the Common Fisheries Policy]** and Article 2 of Council Regulation (EC) No 734/2008 ⁽¹⁾ shall apply. **[Am. 21]**

2. In addition, the following definitions shall apply:

(a) 'ICES zones, **subzones, divisions and subdivisions**' are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council ⁽²⁾; **[Am. 22]**

(b) 'CECAF areas, **subareas and divisions**' are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council ⁽³⁾; **[Am. 23]**

(c) 'Regulatory Area of the NEAFC' means the waters subject to the Convention on future multilateral cooperation in North-East Atlantic fisheries which lie beyond the waters under the fisheries jurisdiction of the contracting parties to that Convention;

(d) 'deep-sea species' means the species listed in Annex I;

(e) 'most vulnerable species' means the deep-sea species indicated in the third column 'Most vulnerable (x)' of the table in Annex I;

(f) 'métier' means fishing activities targeting certain species by a certain gear in a certain area;

(g) 'deep-sea métier' means a métier that targets deep-sea species according to the indications laid down in Article 4(1) of this regulation;

(h) 'fisheries monitoring centre' means an operational centre established by a flag Member State and equipped with computer hardware and software enabling automatic data reception, processing and electronic data transmission;

(i) 'scientific advisory body' means an international fisheries scientific body that meets international standards for research-based scientific advice;

(ia) 'sustainable exploitation' means the exploitation of a stock or group of fish stocks in a way that restores and maintains populations of fish stocks above levels capable of producing maximum sustainable yield and that does not have a negative impact on the marine ecosystems. [Am. 24]

~~(j) 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely. [Am. 25]~~

⁽¹⁾ Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (OJ L 201, 30.7.2008, p. 8).

⁽²⁾ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

⁽³⁾ Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

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Article 3a

Transparency, public participation and access to justice

1. *When implementing this Regulation, the provisions of Directive 2003/4/EC of the European Parliament and of the Council⁽¹⁾ and Regulations 1049/2001/EC⁽²⁾ and 1367/2006/EC⁽³⁾ of the European Parliament and of the Council that concern access to environmental information shall apply.*

2. *The Commission, and Member States, shall ensure that all data-handling and decision-making under this Regulation is conducted in full compliance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters ('the Aarhus Convention', approved on behalf of the Union by Council Decision 2005/370/EC⁽⁴⁾). [Am. 26]*

Article 3b

Identification of deep-sea species and most vulnerable species

1. *By ... (*) and every two years thereafter, the Commission shall review the list of deep-sea species in Annex I, including the designation of most vulnerable species.*

2. *The Commission shall be empowered to adopt delegated acts, in accordance with Article 20, amending the list of deep-sea species in Annex I, including the designation of most vulnerable species, to incorporate new scientific information from Member States, from the scientific advisory body and from other relevant sources of information, including the IUCN Red List Assessments. When adopting such delegated acts, the Commission shall, in particular, take account of the IUCN Red List Criteria, the rarity of the species, its vulnerability to exploitation and whether the scientific advisory body has recommended a zero by-catch. [Am. 27]*

CHAPTER II

FISHING AUTHORISATIONS

Article 4

Types of fishing authorisations

1. Fishing activities targeting deep-sea species carried out by a ~~Union~~ fishing vessel, shall be subject to a fishing authorisation, **issued by the flag Member State**, which shall indicate deep-sea species as the target species. [Am. 28]

2. For the purposes of paragraph 1, fishing activities are deemed to target deep-sea species, if:

- (a) deep-sea species are noted as target in the vessel's fishing calendar, or
- (b) a gear that is only used to catch deep-sea species is carried on board of the vessel or deployed in the area of operation, or

⁽¹⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁽²⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁽³⁾ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

⁽⁴⁾ Council Decision 2005/370/EC of 17 February 2005 (OJ L 124, 17.5.2005, p. 1).

(*) Date of entry into force of this Regulation.

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(c) the vessel's master records in the logbook a percentage of **the deep-sea species listed in Annex I, which is caught within the waters included in the scope of this Regulation and which is equal or superior to 10 % of the overall catch weight in the fishing day concerned one of the following thresholds:**

- 15 % of the overall catch weight in the fishing day concerned, **or**
- 8 % of the overall catch weight in the fishing trip concerned,

the choice of threshold being at the discretion of the vessel's master, or [Am. 29]

(ca) **the vessel deploys bottom gears at depths of or below 600 meters. [Am. 30]**

2a. For the purpose of calculating the percentages referred to in point (c) of paragraph 2, the species in Annex I subject to deferred application, as indicated in the fourth column thereof, shall only be taken into account from ... (*). [Am. 31]

3. Fishing activities not targeting deep-sea species but catching deep-sea species as a by-catch, ~~carried out by a Union fishing vessel,~~ shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch. **[Am. 32]**

4. The two types of fishing authorisations referred to in paragraphs 1 and 3 respectively shall be clearly distinguishable in the electronic database referred to in Article 116 of Regulation (EC) No 1224/2009.

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip. **Details of all such catches, whether retained or discarded, including species composition, weight and sizes, shall be recorded in the vessel's logbook and shall be reported to the competent authorities. [Am. 33]**

Article 5

Capacity management

1. The aggregate fishing capacity ~~measured in gross tonnage and in kilowatt~~ of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during any of the two calendar years preceding the entry into force of this Regulation, ~~whichever year provides the higher figure~~ **2009-2011, whichever year provides the higher figure. [Am. 34]**

1a. In order to achieve the objective set out in paragraph 1, Member States shall conduct annual capacity assessments in accordance with Article 22 of Regulation (EU) No .../2013 [on the Common Fisheries Policy]. The resulting report, as referred to in paragraph 2 of that Article, shall seek to identify structural overcapacity by segment and shall estimate the long-term profitability by segment. The reports shall be made publicly available. [Am. 35]

1b. Where the capacity assessments referred to in paragraph 1a indicate that the fishing mortality of deep sea stocks is above recommended levels, the Member State concerned shall prepare and include in the report an action plan for the affected fleet segment, in order to ensure that the fishing mortality exerted on the stocks concerned is consistent with the objectives of Article 10. [Am. 36]

1c. The capacity assessments and action plans referred to in this Article shall be made publicly available. [Am. 37]

1d. Where fishing opportunities for deep-sea species have been exchanged between Member States, the fishing capacity corresponding to the opportunities exchanged shall, for the purpose of establishing the aggregated fishing capacity according to paragraph 1, be attributed to the donor Member State. [Am. 38]

(*) Five years after the entry into force of this Regulation.

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1e. Notwithstanding paragraph 1, regional fleets in outermost regions where there is no continental shelf and virtually no alternatives to deep-sea resources shall be permitted an aggregate fishing capacity for deep-sea species which shall at no time exceed the aggregate fishing capacity of the current fleet in each outermost region. [Am. 39]

Article 6

General requirements for applications for fishing authorisations

1. Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its *annual* renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, *indicating all the ICES and CECAF subareas, divisions and subdivisions covered*, the type *and the amount* of gears, the depth range at which the activities will be ~~deployed, and of~~ *carried out and* the individual species targeted, *as well as the intended frequency and duration of the fishing activity. This information shall be made publicly available.* [Am. 40]

1a. Any application for a fishing authorisation shall be accompanied by a record of the concerned fishing vessels' catches of deep-sea species in the area for which an application is sought for 2009-2011. [Am. 41]

Article 6a

Specific requirements for the protection of vulnerable marine ecosystems

1. Member States shall use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known or are likely to occur. In addition, the scientific advisory body shall carry out an annual assessment of where vulnerable marine ecosystems are known or are likely to occur.

2. Where, based on the information referred to in paragraph 1, areas where vulnerable marine ecosystems are known or are likely to occur have been identified, Member States and the scientific advisory body shall inform the Commission in a timely manner.

3. By ... (*), on the basis of the best scientific and technical information available and based on the assessments and identifications carried out by Member States and the scientific advisory body, the Commission shall establish a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur. The Commission shall review this list annually, on the basis of advice received from the scientific advisory body.

4. Fishing with bottom gears shall be prohibited in the areas identified in accordance with paragraph 3.

5. The closures referred to in paragraph 4 shall apply to all Union vessels when they occur in the high seas, and to all vessels when the closure occurs in Union waters.

6. By way of derogation from paragraph 4, if the Commission determines, based on an impact assessment and after consulting the scientific advisory body, that there is sufficient evidence that vulnerable marine ecosystems are not present in a particular area which appears on the list referred to in paragraph 3, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area is prevented, it may reopen that area to fishing with bottom gears.

7. Where, in the course of fishing operations, a fishing vessel encounters evidence of vulnerable marine ecosystems, it shall immediately cease fishing in the area concerned. It shall resume operations only when it has reached an alternative area at a minimum distance of five nautical miles from the fished area in which the encounter occurred.

8. The fishing vessel shall immediately report each encounter with vulnerable marine ecosystems to the competent national authorities, who in turn shall notify the Commission, without delay.

(*) One year after the entry into force of this Regulation.

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9. *The areas referred to in paragraphs 4 and 7 shall remain closed to fishing until such time as the scientific advisory body carries out an assessment of the area and concludes that no vulnerable marine ecosystems are present, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, after which the Commission may reopen that area to fishing.* [Am. 42]

Article 7

Specific requirements for applications for and issuance of fishing authorisations allowing the use of bottom gears in fishing activities targeting deep-sea species

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation ~~for targeted deep-sea fisheries, as referred to in Article 4(1),~~ **issued in accordance with Article 4**, that allows the use of bottom gears in Union waters as referred to in point (a) of Article 2, **or in international waters as referred to in points (b) and (c) of Article 2**, shall be accompanied by a detailed fishing plan, **which shall be made publicly available**, specifying: [Am. 43]

(a) the locations of the intended activities ~~targeting fishing for deep-sea species in the deep-sea métier. The location(s)~~ **which** shall be defined by coordinates in accordance with the World Geodetic System of 1984 **and shall include an indication of all the ICES and CECAF subareas, divisions and subdivisions covered;** [Am. 44]

(b) the locations, if any, of activities in the deep-sea métier ~~during the last three full calendar years. Those location(s)~~ **2009-2011 which** shall be defined by coordinates in accordance with the World Geodetic System of 1984 and they shall circumscribe the fishing activities as closely as possible **and shall include an indication of all the ICES and CECAF subareas, divisions and subdivisions covered;** [Am. 45]

(ba) *the types of fishing gears and the depth at which they will be deployed, a list of the species to be targeted and the technical measures to be put in place, in accordance with the technical measures on fisheries management recommended by NEAFC and measures under Regulation (EC) No 734/2008, as well as the configuration of the bathymetric profile of the seabed in the intended fishing grounds, where this information is not already available to the competent authorities of the flag State concerned.* [Am. 46]

1a. *Prior to issuing an authorisation Member States shall verify through the VMS record of such vessels that the information submitted in accordance with point (b) of paragraph 1 is accurate. If the information provided under point (b) of paragraph 1 does not match that in the VMS record the authorisation shall not be issued.* [Am. 47]

1b. *Authorised fishing activities shall be limited to existing fishing areas established under point (b) of paragraph 1.* [Am. 48]

1c. *Any modification to the fishing plan shall be subject to an evaluation by the flag Member State. A modified fishing plan shall only be accepted by the flag Member State if it does not allow for fishing operations in areas where vulnerable marine ecosystems occur or are likely to occur.* [Am. 49]

1d. *Failure to comply with the fishing plan shall result in the withdrawal by the flag Member State of the fishing authorisation from the fishing vessel concerned.* [Am. 50]

1e. *Small-scale vessels that, due to technical factors such as the type of gear used or the capacity of the vessel, do not have the capacity to catch more than 100 kg of deep-sea species per fishing trip are exempted from the obligation to present a fishing plan.* [Am. 51]

1f. *Applications for the renewal of fishing authorisations for deep-sea species may be exempted from the requirement to submit a detailed fishing plan unless changes are planned in the fishing operations of the vessel concerned in which case a revised plan shall be submitted.* [Am. 52]

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2. Any fishing authorisation issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorised to the area in which the intended fishing activity, as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice, that such extension would not have significant adverse impacts on vulnerable marine ecosystems. **Without prejudice to paragraph 1, fishing with bottom gear that is to take place in waters where deep-sea fisheries have not been carried out during 2009-2011, as referred to in point (b) of paragraph 1, shall require a fishing authorisation as established in accordance with Article 4. No fishing authorisation shall be issued unless the Member State has assessed and documented, on the basis of the best available scientific data and advice, that the fishing activities concerned will not have significant adverse impacts on the marine ecosystem. This assessment shall be conducted in accordance with this Regulation and the 2008 FAO Guidelines and shall be made publicly available. The Commission shall, in consultation with the Member State concerned and the scientific advisory body, review this assessment to ensure that all areas where vulnerable marine ecosystems are known or are likely to occur have been identified and that the proposed mitigation and management measures are sufficient to prevent significant adverse impacts on vulnerable marine ecosystems.** [Am. 53]

2a. **Before ... (*)**, no fishing authorisation targeting deep-sea species, including in areas defined in point (b) of paragraph 1, shall be issued or renewed unless the Member State has assessed and documented, on the basis of the best available scientific advice, that the fishing activities concerned would not have significant adverse impacts on the marine ecosystem. That assessment shall be conducted in accordance with the 2008 FAO Guidelines, including as set out in Annex IIa, and shall be made publicly available. [Am. 54]

2b. **Member States shall apply the precautionary approach when carrying out their impact assessments. In areas where no impact assessment has been carried out or where an impact assessment has been carried out but not in accordance with the 2008 FAO Guidelines, the use of bottom gears shall be prohibited.** [Am. 55]

2c. **No fishing authorisations under Article 4 shall be issued for areas where vulnerable marine ecosystems are known to occur or are likely to occur, unless the Commission determines, after consulting the scientific advisory body, that there is sufficient evidence that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems are prevented.** [Am. 56]

2d. **New impact assessments shall be required if there are significant changes to the way in which existing fisheries with bottom gear are carried out, or to the applicable technology, or where there is new scientific information indicating the presence of vulnerable marine ecosystems in a given area.** [Am. 57]

2e. **In addition to the requirements in Article 6, details of all catches of deep-sea species, whether retained or discarded, including species composition, weight and sizes, shall be reported.** [Am. 58]

Article 8

Participation by vessels in deep-sea fishery data collection activities

Member States shall implement measures to ensure that all vessels that catch deep-sea species, whether or not in accordance with a fishing authorisation issued under Article 4, record all of their catches of such species and report them to the relevant competent authority. [Am. 59]

Member States shall include the necessary conditions in all fishing authorisations issued in accordance with Article 4 to ensure that the vessel concerned participates, in cooperation with the relevant scientific institute, in any data collection scheme whose scope would comprise the fishing activities for which authorisations are delivered.

Member States shall put in place the necessary systems to ensure that, wherever possible, the data collected is reported to the relevant competent authorities as it is generated, in order to reduce risks to vulnerable marine ecosystems, minimise by-catch, and allow better fishing management through 'real-time monitoring'. [Am. 60]

(*) Two years after the entry into force of this Regulation.

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The relevant data to be recorded and reported in accordance with this Article shall as a minimum include the weight and species composition of all deep-sea catches. [Am. 61]

Article 9

Expiry of fishing authorisations targeting deep-sea species for vessels using bottom trawls or bottom-set gillnets

Fishing authorisations referred to in Article 4(1) for vessels using bottom trawls or bottom-set gillnets shall expire at the latest two years after the entry into force of this Regulation. After that date, fishing authorisations targeting deep-sea species with those gears shall neither be issued nor renewed. **By ... (*) the Commission shall evaluate the implementation of this Regulation in accordance with Article 21. The use of all types of fishing gear when targeting deep-sea species shall be evaluated with a particular emphasis on the impact on the most vulnerable species and on vulnerable marine ecosystems. If this evaluation shows that the deep-sea stocks listed in Annex I, excluding the species in Annex I subject to deferred application of point (c) of Article 4(2), are not exploited at maximum sustainable yield rates adequate for restoring and maintaining populations of deep-sea stocks above levels capable of producing maximum sustainable yield, and that vulnerable marine ecosystems are not protected from significant adverse impacts, by... (**) the Commission shall submit a proposal to amend this Regulation. This proposal shall ensure that fishing authorisations for vessels targeting deep-sea species, as referred to in Article 4, using bottom trawls or bottom-set gillnets shall expire and shall not be renewed and that any measures necessary regarding bottom gears, including longliners, are put in place to ensure the protection of the most vulnerable species. [Am. 62]**

CHAPTER III

FISHING OPPORTUNITIES AND ACCOMPANYING MEASURES

Section 1

General provisions

Article 10

Principles

1. Fishing opportunities shall be fixed at a rate of exploitation of the deep-sea species concerned that ~~is consistent with~~ **ensures that populations of deep-sea species are progressively restored and maintained above biomass levels capable of producing the maximum sustainable yield. This exploitation rate shall contribute to achieving and maintaining a good environmental status in the Union's marine environment by 2020 and shall be based on the best scientific information available. [Am. 63]**

2. Where, based on best scientific information available, it is not possible to identify exploitation rates consistent with ~~maximum sustainable yield~~ **paragraph 1**, the fishing opportunities shall be fixed as follows: **[Am. 64]**

- (a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period may not be fixed higher than those rates;
- (b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, ~~no~~ **the fishing opportunities may be allocated for the fisheries concerned for the relevant fishing management period shall not be fixed higher than the rates provided within the ICES approach for data limited stocks. [Am. 65]**

(*) Four years after the entry into force of this Regulation.

(**) Five years after the entry into force of this Regulation.

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2a. Where ICES has not been able to identify exploitation rates as referred to in points (a) or (b) of paragraph 2, including for data limited stocks or species, no fishing opportunities shall be allocated for the fisheries concerned. [Am. 66]

2b. Fishing opportunities set for deep sea species shall take into account the probable composition of the catch in these fisheries and shall ensure the long term sustainability of all harvested species. [Am. 67]

2c. When allocating the fishing opportunities available to them Member States shall comply with the criteria set out in Article 17 of Regulation (EU) No .../2013 [on the Common Fisheries Policy]. [Am. 68]

2d. Management measures, including the fixing of fishing opportunities for target and by-catch species in mixed species fisheries, area and seasonal closures, and the use of selective gears, shall be designed and established to avoid, minimise and eliminate by-catch of deep-sea species and to ensure the long-term sustainability of all species adversely affected by the fishery. [Am. 69]

Article 10a

Conservation Measures

1. Member States shall apply the precautionary and ecosystem approaches to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species. Those measures shall aim to rebuild depleted stocks, to minimise, prevent and, where possible, to eliminate by-catch, to protect spawning aggregations and to ensure the adequate protection and prevention of significant adverse impacts on vulnerable marine ecosystems. Such measures may include real time, seasonal or permanent prohibitions of certain fishing activities or gears in certain areas

2. This Regulation shall contribute to the implementation of Council Directive 92/43/EEC⁽¹⁾ and Directive 2009/147/EC of the European Parliament and of the Council⁽²⁾ and to the achievement and maintenance of good environmental status by 2020 at the latest as set out in Directive 2008/56/EC of the European Parliament and of the Council⁽³⁾, including in particular that all stocks of harvested species exhibit a population age and size distribution that is indicative of a healthy stock, and descriptors 1, 2, 3, 4, 6, 9, and 10. [Am. 70]

Article 10b

Obligation to land all catches

By way of derogation from Article 15 of Regulation (EU) No .../2013 [on the Common Fisheries Policy] all catches of fish and non-fish species, irrespective of whether they are subject to catch limits or not, made by a fishing vessel holding an authorisation to catch deep-sea species granted under Article 4(1) or 4(3) of this Regulation shall be brought and retained on board, recorded in the logbook and landed. The de minimis provisions shall not apply to such vessels. [Am. 71]

⁽¹⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

⁽²⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁽³⁾ 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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Section 2

~~Management by~~ Fishing effort limits **and accompanying measures** [Am. 72]

Article 11

Fixing of fishing opportunities ~~by means of fishing effort limits only~~ [Am. 73]

1. ~~The Council, acting in accordance with the Treaty, may decide to switch from the fixing of annual~~ Fishing opportunities for ~~the~~ deep-sea species **shall be** in terms of ~~both fishing effort limits and catch limits to the fixing of only fishing effort limits for specific fisheries~~ **Total Allowable Catches (TACs)**. [Am. 74]

1a. In addition to the TACs, fishing effort limits may be set. [Am. 75]

1b. The fixing of fishing opportunities under paragraphs 1 and 1a shall comply with the objectives laid down in Article 16(4) of Regulation (EU) No .../2013 [on the Common Fisheries Policy]. [Am. 76]

2. For the purposes of paragraph ~~1~~ **1a**, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during ~~the previous two calendar years 2009-2011~~.

For the assessment of the fishing effort levels referred to in the first subparagraph, the species in Annex I subject to the deferred application of point (c) of Article 4(2), as indicated in the fourth column of that Annex, shall only be taken into account from ... (*). [Am. 77]

2a. Fishing effort limits for deep sea métiers shall take into account the probable composition of the catch in these fisheries and shall be set at a level capable of securing the long term sustainability of all harvested species. [Am. 78]

3. Fishing effort limits fixed in accordance with paragraphs 1 and 2 shall indicate:

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated **type and amount of** gear, the species **and specific stocks** targeted, **the depth** and the ICES zones or CECAF areas within which the allowed effort may be deployed; ~~and~~ [Am. 79]

(b) the fishing effort unit **or combination of units** to be used for management; ~~and~~ [Am. 80]

(ba) the methods and protocols for the monitoring and reporting of effort levels during a fishing management period. [Am. 81]

Article 12

Accompanying measures

1. ~~Where annual fishing effort limits have replaced catch limits in accordance with Article 11(1),~~ Member States shall maintain or put in place, in respect of their flagged vessels, the following accompanying measures: [Am. 82]

(a) measures to ~~avoid an increase of the overall catching capacity of the vessels concerned by the effort limits~~ **prevent or eliminate overfishing and excess fishing** capacity of the vessels concerned by the effort limits. [Am. 83]

(b) measures to ~~avoid an increase in~~ **prevent and minimise** by-catches of, **particularly by-catches of the** most vulnerable species; and [Am. 84]

(*) **Five years after the entry into force of this Regulation.**

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- (c) conditions for effective discard prevention. Those conditions shall aim ~~at~~ **to avoid the catching of unwanted species in the first place and shall require the landing of** all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy **or unless the species have a proven high long-term survival rate after discarding**; [Am. 85]
- (ca) **measures to prevent, deter and eliminate illegal, unregulated and unreported fishing in the deep-sea métier**. [Am. 86]
2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in ~~paragraphs~~ **paragraph** 1(a), (b) and (c). [Am. 87]
- 2a. Member States shall, without delay, notify the Commission of the measures adopted in accordance with paragraph 1.** [Am. 88]
3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption, **and thereafter annually**. [Am. 89]

Article 13

Commission measures in case of absence or insufficiency of the accompanying measures adopted by the Member States

1. The Commission shall be empowered to adopt delegated acts to specify measures accompanying annual effort limits as referred to in point (a), (b) or (c) of Article 12(1), and in accordance with Article 20:
- (a) if the Member State concerned does not notify to the Commission any measures adopted pursuant to Article 12 **by ... (*)**. [Am. 90]
- (b) if the measures adopted pursuant to Article 12 cease to be in force although the need remains to prevent or mitigate the risks identified in points (a), (b) and (c) of Article 12(1).
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 to specify measures accompanying annual effort limits, as referred to in points (a), (b) and (c) of Article 12(1), if, on the basis of an assessment carried out pursuant to Article 12(3),
- (a) Member State measures are deemed not to be compatible with the objectives of this regulation; or
- (b) Member State measures are deemed insufficient in respect of the aims stated in points (a), (b) and (c) of Article 12(1).
3. The accompanying measures adopted by the Commission shall aim at ensuring that the objectives and aims set out in this regulation are met. Upon the adoption of the delegated act by the Commission, any Member State measures adopted shall cease to apply.

Article 13a

Specific Union Measures

With a view to preventing and minimising by-catches, particularly by-catches of the most vulnerable species, modifications to gear or real-time closures of areas with high by-catch rates may be decided. [Am. 91]

CHAPTER IV

CONTROL

Article 14

Application of the control provisions for multiannual plans

1. This Regulation shall be construed as a 'multiannual plan' for the purposes of ~~Regulation (EC) No 1224/2009~~ **Regulation (EU) No .../2013 [on the Common Fisheries Policy]**. [Am. 92]

(*) Three months after the entry into force of this Regulation.

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2. Deep-sea species shall be regarded as ~~the species being~~ 'subject to a multiannual plan' and the 'stocks subject to a multiannual plan' for the purposes of ~~Regulation (EC) No 1224/2009~~ **Regulation (EU) No .../2013 [on the Common Fisheries Policy]. [Am. 93]**

Article 15

Designated ports

1. **Member States shall designate the ports in which any landing or transhipment of deep-sea species in excess of 100 kg is to take place. By ... (*), Member States shall transmit to the Commission the list of these designated ports. [Am. 94]**

2. No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated ~~for landing deep-sea species~~ **by Member States pursuant to paragraph 1. [Am. 95]**

3. **To improve coherence and coordination across the Union, the Commission shall establish measures for vessels, designated ports and relevant competent authorities regarding the inspection and surveillance procedures necessary for the landing or transhipment of deep-sea species and for recording and reporting landing or transhipment data, including, as a minimum, the weight and species composition. [Am. 96]**

4. **Vessels that land or tranship deep-sea species shall adhere to the terms and conditions for recording and reporting the weight and composition of deep-sea species landed or transhipped, and shall comply with all inspection and surveillance procedures relating to the landing or transhipping of deep-sea species. [Am. 97]**

Article 16

Prior notification

~~By way of derogation of Article 17 of Regulation (EC) No 1224/2009, The masters of all Union fishing vessels, regardless of their length, intending to land or tranship 100 kg or more of deep-sea species, whichever their length, shall be required to notify their flag Member State's the competent authority of their flag Member State, as well as the port state authority, of that intention. The master or any other person responsible for the operation of vessels of 12 meters in length or more shall notify the competent authorities at least four hours before the estimated time of arrival at port, in accordance with Article 17 of Regulation (EC) No 1224/2009. This notwithstanding, small-scale fishing vessels without an electronic fishing logbook and artisanal vessels shall be exempted from the notification requirement. [Am. 98]~~

Article 17

Logbook entries in deep waters

Without prejudice to Articles 14 and 15 of Regulation (EC) No 1224/2009, masters of fishing vessels holding an authorisation in accordance with Article 4(1) or 4(3) of this Regulation shall, when engaged in a deep-sea métier or when fishing below 400 m:

- (a) draw a new line in the paper logbook after each haul; or,
- (b) when they are subject to the electronic recording and reporting system, record separately after each haul.

Article 18

Withdrawal of fishing authorisations

1. Without prejudice to Article 7(4) of Regulation (EC) No 1224/2009, the fishing authorisations referred to in Article 4(1) and 4(3) of this Regulation shall be withdrawn for a duration of at least one year in **any of** the following cases: **[Am. 99]**

(*) **60 days after the entry into force of this Regulation.**

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- (a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation or, ~~as appropriate, catch or~~ **and** effort limits on the species whose targeting is allowed; ~~or~~ [Am. 100]
- (b) failure to take on board a scientific observer or to allow sampling of catches for scientific purposes as specified in Article 19;
- (ba) failure to collect, record and report data in accordance with Article 8; [Am. 101]*
- (bb) failure to comply with the requirements of the Common Fisheries Policy; [Am. 102]*
- (bc) any of the cases specified in Council Regulation (EC) No 1005/2008⁽¹⁾, particularly under the provisions of Chapters VII-IX. [Am. 103]*
2. ~~Paragraph 1 shall not apply if the failures referred to therein have been caused by force majeure. [Am. 104]~~

CHAPTER V

DATA COLLECTION AND COMPLIANCE [Am. 105]

Article 19

Rules on data collection and reporting

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008⁽²⁾ and in other measures adopted under that Regulation. **Member States shall ensure that the necessary systems are in place to facilitate the reporting of catches of target and by-catch species, and the reporting of evidence of any encounters with vulnerable marine ecosystems. Such reporting shall wherever possible be in real-time.** [Am. 106]

1a. Member States shall establish a programme for observer coverage to ensure the collection of relevant, timely and accurate data on the catch and by-catch of deep-sea species, encounters with vulnerable marine ecosystems and other relevant information for the effective implementation of this Regulation. Vessels using bottom trawls or bottom-set gillnets with a fishing authorisation to target deep-sea species shall be subject to 100 % observer coverage. All other vessels with an authorisation to catch deep-sea species shall be subject to 10 % observer coverage. [Am. 107]

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for ~~his~~ **their** vessel, ~~unless this is not possible for security reasons in accordance with the conditions specified in paragraph 4.~~ The master shall facilitate the discharging of the scientific observer's tasks. [Am. 108]

3. The scientific observers shall:

(a) ~~be qualified to carry out their recurrent data collection tasks, as set out in paragraph 1~~ **duties and tasks as scientific observers, including the ability to identify species found in deep-sea ecosystems;** [Am. 109]

(aa) record independently, in the same format as that used in the vessel's logbook, the catch information prescribed in Regulation (EC) No 1224/2009; [Am. 110]

⁽¹⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 286, 29.10.2008, p. 1).

⁽²⁾ Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (OJ L 60, 5.3.2008, p. 1).

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- (ab) *record any instances of alteration of the fishing plan referred to in Article 7; [Am. 111]*
- (ac) *document any unforeseen encounters with vulnerable marine ecosystems including the gathering of information that may be of use in relation to the protection of the area; [Am. 112]*
- (ad) *record depths at which gear is deployed; [Am. 113]*
- (ae) *present a report to the competent authorities of the flag Member State concerned within 20 days following the termination of the observation period, a copy of which shall be sent by those authorities to the Commission, within 30 days following receipt of the Commission's written request; [Am. 114]*
- (b) identify and document the weight of any stony coral, soft coral, sponges or other organisms belonging to the same ecosystem taken on board by the vessel's gear.
- 3a. *It shall be prohibited for scientific observers to be any of the following:*
- (i) *a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;*
- (ii) *an employee of the master of the vessel to which they are assigned;*
- (iii) *an employee of the master's representative;*
- (iv) *an employee of a company controlled by the master or their representative;*
- (v) *a relative of the master's representative. [Am. 115]*
4. In addition to their obligations referred to in paragraph 1, Member States shall be subject to the specific data collection and reporting requirements set out in Annex II for the deep sea métier.
- 4a. *Data collection may enable the creation of partnerships between scientists and fishermen and contribute to the area of research regarding the marine environment, biotechnology, food sciences, processing and the economy. [Am. 116]*
5. Data collected in relation to the deep-sea métier, including all data collected in accordance with Annex II to this Regulation, shall be treated in accordance with the data management process as laid down in chapter III of Regulation (EC) No 199/2008.
6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier. *These reports shall be made publicly available. [Am. 117]*

CHAPTER Va

FINANCIAL ASSISTANCE [Am. 118]

Article 19a

Financial Assistance for changing of fishing gear

1. *Fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea métier shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has demonstrably better size and species selectivity, a lower and limited impact on the marine environment and vulnerable marine ecosystems and does not increase the fishing capacity of the vessel, as assessed by the Commission, after consulting the appropriate independent scientific body.*

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2. **Fishing vessels shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the purpose of minimising and, where possible, eliminating unwanted catches of deep-sea species, particularly those that are most vulnerable.**
3. **Support shall not be granted more than once for the same Union fishing vessel .**
4. **Access to financial assistance from the European Maritime and Fisheries Fund shall be conditional upon full compliance with this Regulation, the Common Fisheries Policy and Union environmental law. [Am. 119]**

CHAPTER VI DELEGATED ACTS

Article 20

Exercise of delegated powers

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 as referred to in **Article 3b(2) and** Article 13 shall be conferred on the Commission for ~~an indeterminate period of time~~ **a period of three years from ... (*)**. **The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the three year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension no later than three months before the end of each period. [Am. 120]**
3. The delegation of power referred to in **Article 3b(2) and** Article 13 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to **Article 3b(2) and** Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

CHAPTER VII EVALUATION AND FINAL PROVISIONS

Article 21

Evaluation

1. ~~Within six years from the entry into force of this Regulation~~ **By ... (**)**, the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1 ~~(a) and (b)~~ have been achieved. **[Am. 121]**

(*) **Date of entry into force of this Regulation.**

(**) **Four years from the entry into force of this Regulation.**

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2. The evaluation shall focus on trends in the following subjects:
- (a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the ~~development of their discard levels~~ **progress as regards the prevention, minimisation and, where possible, on the elimination of unwanted catches**; [Am. 122]
 - (b) the range of operation of vessels engaging in each deep-sea métier;
 - (c) the completeness and reliability of data that Member States provide to scientific bodies for the purpose of stock assessment, or to the Commission in case of specific data calls;
 - (d) the deep-sea stocks for which the scientific advice has improved;
 - (e) ~~the fisheries that are managed according to fishing effort limits only, and~~ the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species; [Am. 123]
 - (ea) the quality of the impact assessments carried out pursuant to Article 7; [Am. 124]*
 - (eb) the number of vessels and ports in the Union directly affected by the implementation of this Regulation; [Am. 125]*
 - (ec) the effectiveness of measures established to ensure the long-term sustainability of deep-sea fish stocks and to prevent by-catch of non-target species, in particular by-catch of the most vulnerable species; [Am. 126]*
 - (ed) the extent to which vulnerable marine ecosystems have been effectively protected through the restriction of authorised fishing activities to existing deep-sea fishing areas, area closures, the move-on rule and/or by other measures; [Am. 127]*
 - (ee) the application of the 600 meter depth limitation. [Am. 128]*
- 2a. **Based on the evaluation referred to in paragraphs 1 and 2, the Commission shall by... (*) make proposals for the amendment of this Regulation, as appropriate. [Am. 129]**

Article 22

Transitional measures

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid after ~~30 September 2012~~ ... (**). [Am. 130]

Article 23

Repeal

1. Regulation (EC) No 2347/2002 is repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation in accordance with the correlation table set out in Annex III.

(*) **Five years after the date of entry into force of this Regulation.**

(**) **One year after the date of entry into force of this Regulation.**

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Article 24

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament

The President

[...]

For the Council

The President

[...]

Annex I

Section 1: Deep-sea species

Scientific name	Common name	Most vulnerable (x)	Deferred Application of point (c) of Article 4(2)
<i>Centrophorus granulosus</i>	Gulper shark	x	
<i>Centrophorus squamosus</i>	Leafscale gulper shark	x	
<i>Centroscyllium fabricii</i>	Black dogfish	x	
<i>Centroscymnus coelolepis</i>	Portuguese dogfish	x	
<i>Centroscymnus crepidater</i>	Longnose velvet dogfish	x	
<i>Dalatias licha</i>	Kitefin shark	x	
<i>Etmopterus princeps</i>	Greater lanternshark	x	
<i>Apristuris spp</i>	Iceland catchark		
<i>Chlamydoselachus anguineus</i>	Frilled shark		
<i>Deania calcea</i>	Birdbeak dogfish		
<i>Galeus melastomus</i>	Blackmouth dogfish		
<i>Galeus murinus</i>	Mouse catshark		
<i>Hexanchus griseus</i>	Bluntnose six-gilled shark	x	
<i>Etmopterus spinax</i>	Velvet belly		
<i>Oxynotus paradoxus</i>	Sailfin roughshark (Sharp-back shark)		
<i>Scymnodon ringens</i>	Knifetooth dogfish		
<i>Somniosus microcephalus</i>	Greenland shark		
<i>Alepocephalidae</i>	Smoothheads (Slickheads)		

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Scientific name	Common name	Most vulnerable (x)	Deferred Application of point (c) of Article 4(2)
<i>Alepocephalus Bairdii</i>	Baird's smoothhead		
<i>Alepocephalus rostratus</i>	Risso's smoothhead		
<i>Aphanopus carbo</i>	Black scabbardfish		
<i>Argentina silus</i>	Greater silver smelt		
<i>Beryx spp.</i>	Alfonsinos		
<i>Chaceon (Geryon) affinis</i>	Deep-water red crab		x
<i>Chimaera monstrosa</i>	Rabbit fish (rattail)		x
<i>Hydrolagus mirabilis</i>	Large-eyed rabbitfish (Ratfish)		x
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish		x
<i>Coryphaenoides rupestris</i>	Roundnose grenadier		
<i>Epigonus telescopus</i>	Black cardinalfish	x	
<i>Helicolenus dactilopterus</i>	Bluemouth (Bluemouth redfish)		
<i>Hoplostethus atlanticus</i>	Orange roughy	x	
<i>Macrourus berglax</i>	Roughhead grenadier (Rough rattail)		
<i>Molva dypterigia</i>	Blue ling		
<i>Mora moro</i>	Common mora		x
<i>Antimora rostrata</i>	Blue antimora (Blue hake)		x
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream		
<i>Phycis blennoides</i>	Greater Forkbeard		
<i>Polyprion americanus</i>	Wreckfish		
<i>Reinhardtius hippoglossoides</i>	Greenland halibut		
<i>Cataetyx laticeps</i>			x
<i>Hoplosthetus mediterraneus</i>	Silver roughy (Pink)		x
<i>Macrouridae</i>	Grenadiers (rattails)		
other than <i>Coryphaenoides rupestris</i> and <i>Macrourus berglax</i>	other than roundnose grenadier and roughhead grenadier		
<i>Nesiarchus nasutus</i>	Black gemfish		
<i>Notocanthus chemnitzii</i>	Snubnosed spiny eel		
<i>Raja fyllae</i>	Round skate		x

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Scientific name	Common name	Most vulnerable (x)	<i>Deferred Application of point (c) of Article 4(2)</i>
<i>Raja hyperborea</i>	Arctic skate		
<i>Raja nidarosiensis</i>	Norwegian skate		
<i>Trachyscorpia cristulata</i>	Spiny (deep-sea) scorpionfish		

Section 2: Species regulated in NEAFC in addition

<i>Brosme brosme</i>	Tusk	
<i>Conger conger</i>	Conger eel	
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutless fish)	x
<i>Lycodes esmarkii</i>	Greater Eelpout	
<i>Molva molva</i>	Ling	
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)	

[Am. 131]

Annex II

Specific data collection and reporting requirements referred to in Article 18(4)

1. Member States shall ensure that data collected for an area that comprises both Union waters and international waters shall be further disaggregated so that they refer either to Union waters or international waters separately.
2. Where the activity in the deep-sea métier overlaps with activity in another métier in the same area, the data collection concerning the former shall be done separately from the data collection concerning the latter.
3. Discards shall be sampled in all deep-sea métiers. The sampling strategy for landings and discards shall cover all the species listed in Annex I as well as species belonging to the seabed ecosystem such as deep-water corals, sponges or other organisms belonging to the same ecosystem .
4. Where the applicable multiannual data collection plan requires the collection of fishing effort data in terms of hours fished by trawls and soak time for passive gear, the Member State shall collect and be ready to present, together with such fishing effort data, the following additional data:
 - (a) geographical location of the fishing activities on a haul-by-haul basis, from vessel monitoring system data transmitted by the vessel to the fisheries monitoring centre;
 - (b) the fishing depths at which the gears are deployed in case the vessel is subject to reporting by electronic logbook. The master of the vessel shall notify fishing depth following the standardised reporting format.

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- 4a. *The Commission shall ensure that data is collected in a timely manner, in a way that is harmonised in all Member States, and that it is accurate, reliable and comprehensive. [Am. 132]*
- 4b. *The Commission shall ensure safe storage of collected data, making it publicly available, save in exceptional circumstances where appropriate protection and confidentiality are required and where the reasons for such restrictions are declared. [Am. 133]*

Annex IIa

Impact assessments referred to in Article 7(2)

The impact assessments to establish the deep-sea fishing activities referred to in Article 7(2) shall address, inter alia:

1. *the type(s) of fishing conducted, including vessels and gear types, fishing areas and the depth range at which the activities will be deployed, individual species targeted and potential by-catch species, fishing effort levels and the duration of fishing;*
2. *best available scientific information on the current state of fish stocks and baseline information on the ecosystems and habitats in the fishing area, against which future changes are to be compared;*
3. *identification, description and mapping of vulnerable marine ecosystems known or likely to occur in the fishing area;*
4. *data and methods used to identify, describe and assess the impact of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;*
5. *the identification, description and evaluation of the occurrence, scale and duration of likely impact by the fishing operations, including cumulative impact of fishing activities, particularly on vulnerable marine ecosystems and low-productivity fishery resources in the fishing area;*
6. *the proposed mitigation and management measures to be used to prevent significant adverse impacts on vulnerable marine ecosystems and ensure long-term conservation and sustainable management of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations. [Am. 134]*

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P7_TA(2013)0540

Civil protection mechanism *I****European Parliament legislative resolution of 10 December 2013 on the proposal for a decision of the European Parliament and of the Council on a Union Civil Protection Mechanism (COM(2011)0934 — C7-0519/2011 — 2011/0461(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/49)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0934),
 - having regard to Article 294(2) and Article 196 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0519/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee of the Regions of 19 July 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 9 October 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development, the Committee on Foreign Affairs, the Committee on Budgets and the Committee on Regional Development (A7-0003/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Commission statement annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0461**Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Decision No .../2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 1313/2013/EU.)*

⁽¹⁾ OJ C 277, 13.9.2012, p. 164.

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ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the European Parliament, the Council and the Commission

The European Parliament, the Council and the Commission take note of the approach taken in Article 19(4) to (6) and Annex I, which responds to the specificities of this Decision and is with no precedent value to other financial instruments.

Statement by the Commission

Without prejudice to the annual budgetary procedure, it is the Commission's intention to present to the European Parliament an annual report on the implementation of the Decision, including the budget breakdown set out in Annex I, starting from January 2015. This approach is based upon the specific nature of civil protection policy and is with no precedent value to other financial instruments.

Tuesday 10 December 2013

P7_TA(2013)0541

Credit agreements relating to residential property *I****European Parliament legislative resolution of 10 December 2013 on the proposal for a directive of the European Parliament and of the Council on credit agreements relating to residential property (COM(2011)0142 — C7-0085/2011 — 2011/0062(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/50)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0142),
 - having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0085/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 18 August 2011 ⁽¹⁾,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2011 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letters of 8 May 2013 and 27 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Legal Affairs (A7-0202/2012),
1. Adopts its position at first reading hereinafter set out ⁽³⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0062**Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU and Regulation (EU) No 1093/2010***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2014/17/EU.)*⁽¹⁾ OJ C 240, 18.8.2011, p. 3.⁽²⁾ OJ C 318, 29.10.2011, p. 133.⁽³⁾ This position replaces the amendments adopted on 10 September 2013 (Texts adopted, P7_TA(2013)0341).

Tuesday 10 December 2013

P7_TA(2013)0542

Imports of rice from Bangladesh *I**

Amendments adopted by the European Parliament on 10 December 2013 on the proposal for a regulation of the European Parliament and of the Council on imports of rice originating in Bangladesh (COM(2012)0172 — C7-0102/2012 — 2012/0085(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 468/51)

Amendment 1**Proposal for a regulation****Title***Text proposed by the Commission*

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on imports of rice originating in Bangladesh

Amendment

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on imports of rice originating in Bangladesh **and repealing Council Regulation (EEC) No 3491/90**

Amendment 2**Proposal for a regulation****Recital 3***Text proposed by the Commission*

(3) In order to ensure the reliability and the efficiency of the preferential import arrangement, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish rules making the participation in the arrangement conditional upon the lodging of a security. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(3) In order to ensure the reliability and the efficiency of the preferential import arrangement, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to establish rules making the participation in the arrangement conditional upon the lodging of a security **in line with Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90** ⁽¹⁾. 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.

⁽¹⁾ OJ L 408, 30.12.2006, p. 18

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0304/2013).

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Amendment 3
Proposal for a regulation
Recital 4

Text proposed by the Commission

- (4) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers, save where explicitly provided otherwise, should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member states of the Commission's exercise of implementing powers . However, where the suspension of the preferential import arrangement becomes necessary, the Commission should **be allowed** to adopt implementing **acts** without applying **the** Regulation (EU) No 182/2011.

Amendment

- (4) In order to ensure uniform conditions **for the adoption of certain measures** for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers, save where explicitly provided otherwise, should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member states of the Commission's exercise of implementing powers . However, where the suspension of the preferential import arrangement becomes necessary, the Commission should adopt **an** implementing **act** without applying Regulation (EU) No 182/2011.

Amendment 4
Proposal for a regulation
Recital 7

Text proposed by the Commission

- (7) To ensure the advantages of the preferential import arrangements are limited only to rice originating in Bangladesh, a certificate of origin should be issued **and an export tax of an amount corresponding to the reduction of the import duty should be collected by the exporting country**.

Amendment

- (7) To ensure the advantages of the preferential import arrangements are limited only to rice originating in Bangladesh, a certificate of origin should be issued.

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

Text proposed by the Commission

Amendment

- (7a) *This Regulation is part of the Union's common commercial policy, which must be consistent with the objectives of the Union policy in the field of development cooperation as set out in Article 208 of the Treaty, in particular the eradication of poverty and the promotion of sustainable development and good governance in the developing countries. As such, it should also comply with World Trade Organization (WTO) requirements, in particular with the Decision on Differential and More Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries (the 'Enabling Clause'), adopted under the General Agreement on Tariffs and Trade (GATT) in 1979, under which WTO Members may accord differential and more favourable treatment to developing countries,*

Amendment 6
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *This Regulation is also based on the recognition of the right of small farmers and rural workers to a decent income and to a safe and healthy working environment as fundamental in relation to achieving the general objectives of granting trade preferences to developing countries and least developed countries in particular. The Union aims to define and pursue common policies and actions in order to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty. In this context, the ratification and effective implementation of core international conventions on human and labour rights, environmental protection and good governance are essential, as reflected by the special incentive arrangement providing for additional tariff preferences under Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences ⁽¹⁾,*

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

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Amendment 13
Proposal for a regulation
Article 7 c (new)

Text proposed by the Commission

Amendment

- (7c) *To ensure that this Regulation is in line with the general provisions set out in Article 208 TFEU, only rice that is produced, harvested and processed in accordance with the International Labour Organisation Conventions listed in Annex VIII to Regulation (EU) No 978/2012, and in particular with Conventions on Forced Labour (No. 29), Freedom of Association and Protection of the Right to Organise (No. 87), the Right to Organise and Collective Bargaining (No. 98), Equal Remuneration (No. 1000), Abolition of Forced Labour (No 105), Discrimination (Employment and Occupation) (No. 111) and on the Worst Forms of Child Labour (No. 182), should be covered under this Regulation;*

Amendment 7
Proposal for a regulation
Article 1 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. *This Regulation recognises the right of small farmers and rural workers to a decent income and to a safe and healthy working environment and regards respect for that right as fundamental in relation to achieving the general objectives of granting trade preferences to developing countries and, in particular, to least developed countries.*

Amendment 8
Proposal for a regulation
Article 1 — paragraph 3

Text proposed by the Commission

Amendment

3. *By means of an implementing act adopted without the assistance of the Committee referred to in Article 323(1) of Regulation No XXXX/XXXX, the Commission shall suspend the application of the preferential import arrangement provided for in paragraph 1 of this Article once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated in paragraph 2.*

3. The Commission shall **adopt an implementing act suspending** the application of the preferential import arrangement provided for in paragraph 1 of this Article once it ascertains that, during the year in progress, imports qualifying under the said arrangement have reached the quantity indicated in paragraph 2 **of this Article. That implementing act shall be adopted without applying the procedure referred to in Article 5a(2).**

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Amendment 9

Proposal for a regulation

Article 2 — paragraph 2 — point (a)

Text proposed by the Commission

Amendment

(a) *that proof is provided that an export tax of an amount corresponding to the reduction referred to in paragraph 1 has been collected by Bangladesh*

deleted

Amendment 10

Proposal for a regulation

Article 4 — paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for *an indeterminate period of time from the day of entry into force of this Regulation.*

2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for **a** period of **five years from ... (*)**. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of that five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

(*) *Date of entry into force of this Regulation.*

Amendment 11

Proposal for a regulation

Article 4 — paragraph 5

Text proposed by the Commission

Amendment

5. A delegated act adopted pursuant to Article 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or of the Council.

5. A delegated act adopted pursuant to Article 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **four** months at the initiative of the European Parliament or of the Council.

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Amendment 12
Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Committee procedure

- 1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets established by Article [323(1)] of Regulation (EU) No [xxxx/yyyy] of the European Parliament and of the Council of ... establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**
- 3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a majority of committee members so request.**

⁽¹⁾ COD 2010/0385.

Tuesday 10 December 2013

P7_TA(2013)0543

Timing of auctions of greenhouse gas allowances *I**

European Parliament legislative resolution of 10 December 2013 on the proposal for a decision of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances (COM(2012)0416 — C7-0203/2012 — 2012/0202(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/52)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0416),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0203/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 November 2012 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to its resolution of 15 March 2012 on a Roadmap for moving to a competitive low carbon economy in 2050 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 20 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A7-0046/2013),
1. Adopts its position at first reading hereinafter set out ⁽³⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2012)0202

Position of the European Parliament adopted at first reading on 10 December 2013 with a view to the adoption of Decision No .../2013/EU of the European Parliament and of the Council amending Directive 2003/87/EC clarifying provisions on the timing of auctions of greenhouse gas allowances

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision No 1359/2013/EU.)

⁽¹⁾ OJ C 11, 15.1.2013, p. 87.

⁽²⁾ OJ C 251 E, 31.8.2013, p. 75.

⁽³⁾ This position corresponds to the amendment adopted on 3 July 2013 (Texts Adopted, P7_TA(2013)0310).

Wednesday 11 December 2013

P7_TA(2013)0551

Non-objection to a delegated act: conditions for making a declaration of performance on construction products available on a website**European Parliament decision to raise no objections to the Commission delegated regulation of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website (C(2013)7086 — 2013/2928(DEA))**

(2016/C 468/53)

The European Parliament,

- having regard to the Commission delegated regulation (C(2013)7086),
 - having regard to the Commission's letter of 14 November 2013 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾ (CPR), and in particular Articles 7(3) and 63(1) thereof,
 - having regard to Rule 87a(6) of its Rules of Procedure,
 - having regard to the fact that no objections have been raised within the period laid down in the third and fourth indents of Rule 87a(6) of its Rules of Procedure, which expired on 10 December 2013,
- A. whereas it is important to ensure that the delegated regulation on e-supply enters into force as soon as possible, given that the substantial provisions of the basic legislative act, including those on providing declarations of performance, apply from 1 July 2013;
- B. whereas the possibility to make these declarations available on the internet would, in accordance with the wish of the legislator, allow the manufacturers of construction products to reduce costs and also increase the flexibility of the construction sector as such;
- C. whereas the delegated regulation should have been prepared by the Commission in advance, in order to avoid the unfortunate delay in permitting a derogation from the obligation for manufacturers to provide paper or electronic copies of a declaration of performance for each product which is made available on the market;
- D. whereas it is of utmost importance that both Parliament and the Council can exercise their rights as co-legislators as defined in the Treaties, including the decision as to which elements are to be delegated to the Commission in future basic legislative acts, and that Parliament is able to take part in consultations — alongside Member States' experts and other stakeholders — prior to the adoption of a delegated act and in a transparent manner;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

Wednesday 11 December 2013

P7_TA(2013)0552

Exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme) *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme) (COM(2011)0913 — C7-0510/2011 — 2011/0449(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/54)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0913),
 - having regard to Article 294(2) and Article 133 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0510/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 2 March 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 21 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0423/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0449

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme) and repealing Council Decisions 2001/923/EC, 2001/924/EC, 2006/75/EC, 2006/76/EC, 2006/849/EC and 2006/850/EC

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 331/2014.)

⁽¹⁾ OJ C 137, 12.5.2012, p. 7.

Wednesday 11 December 2013

P7_TA(2013)0553

**Amendment of Regulation (EU) No 99/2013 on the European statistical programme 2013-17
I*European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 99/2013 on the European statistical programme 2013-17 (COM(2013)0525 — C7-0224/2013 — 2013/0249(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/55)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0525),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0224/2013),
 - 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 27 November 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0401/2013),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2013)0249**Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Regulation (EU) No 99/2013 on the European statistical programme 2013-17***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1383/2013.)*

Wednesday 11 December 2013

P7_TA(2013)0554

ILO Convention concerning decent work for domestic workers ***

European Parliament legislative resolution of 11 December 2013 on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Convention concerning decent work for domestic workers, 2011, of the International Labour Organisation (Convention No 189) (11462/2013 — C7-0234/2013 — 2013/0085(NLE))

(Consent)

(2016/C 468/56)

The European Parliament,

- having regard to the draft Council decision (11462/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 153 in conjunction 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 (C7-0234/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Employment and Social Affairs (A7-0394/2013),
1. Consents 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.

Wednesday 11 December 2013

P7_TA(2013)0555

EU-Armenia agreement on the general principles for Armenia 's participation in Union programmes ***

European Parliament legislative resolution of 11 December 2013 on the draft Council decision on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes (16469/2012 — C7-0009/2013 — 2012/0247(NLE))

(Consent)

(2016/C 468/57)

The European Parliament,

- having regard to the draft Council decision (16469/2012),
 - having regard to the draft Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part (16472/2012),
 - having regard to the request for consent submitted by the Council in accordance with Articles 114, 168, 169, 172, 173 (3), 188 and 192 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C7-0009/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A7-0406/2013),
1. Consents 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 Republic of Armenia.
-

Wednesday 11 December 2013

P7_TA(2013)0556

EU-France agreement concerning the application to the collectivity of Saint-Barthélemy of Union legislation on taxation *

European Parliament legislative resolution of 11 December 2013 on the proposal for a Council decision on the conclusion of an agreement between the European Union and the French Republic concerning the application to the collectivity of Saint-Barthélemy of Union legislation on the taxation of savings and administrative cooperation in the field of taxation (COM(2013)0555 — C7-0360/2013 — 2013/0269(NLE))

(Consultation)

(2016/C 468/58)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2013)0555),
 - having regard to the draft agreement between the European Union and the French Republic concerning the application to the collectivity of Saint-Barthélemy of Union legislation on the taxation of savings and administrative cooperation in the field of taxation,
 - having regard to Articles 113 and 115, in conjunction with Article 218(6), second subparagraph, point (b) and Article 218(8), second paragraph of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0360/2013),
 - having regard to Rules 55, 90(7) and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0404/2013),
1. Approves the conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0557

Amendment to Decision 2002/546/EC as regards its period of application ***European Parliament legislative resolution of 11 December 2013 on the proposal for a Council decision amending Decision 2002/546/EC as regards its period of application (COM(2013)0781 — C7-0420/2013 — 2013/0387(CNS))****(Special legislative procedure — consultation)**

(2016/C 468/59)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0781),
 - having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0420/2013),
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0431/2013),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Wednesday 11 December 2013

P7_TA(2013)0559

Appointment of a member of the Court of Auditors (Phil Wynn Owen — UK)

European Parliament decision of 11 December 2013 on the nomination of Phil Wynn Owen as a Member of the Court of Auditors (C7-0313/2013 — 2013/0811(NLE))

(Consultation)

(2016/C 468/60)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0313/2013),
 - having regard to Rule 108 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0438/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 7 November 2013 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Phil Wynn Owen as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0560

Appointment of a member of the Court of Auditors (Alex Brenninkmeijer — NL)**European Parliament decision of 11 December 2013 on the nomination of Alex Brenninkmeijer as a Member of the Court of Auditors (C7-0312/2013 — 2013/0810(NLE))****(Consultation)**

(2016/C 468/61)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0312/2013),
 - having regard to Rule 108 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0433/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 7 November 2013 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Alex Brenninkmeijer as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0561

Appointment of a member of the Court of Auditors (Henri Grethen — LU)

European Parliament decision of 11 December 2013 on the nomination of Henri Grethen as a Member of the Court of Auditors (C7-0309/2013 — 2013/0807(NLE))

(Consultation)

(2016/C 468/62)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0309/2013),
 - having regard to Rule 108 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0439/2013),
- A. whereas at its meeting of 7 November 2013 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
- B. whereas Henri Grethen fulfils the conditions laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
1. Delivers a favourable opinion on the Council's nomination of Henri Grethen as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0562

Appointment of a member of the Court of Auditors (Nikolaos Milionis — EL)**European Parliament decision of 11 December 2013 on the nomination of Nikolaos Milionis as a Member of the Court of Auditors (C7-0310/2013 — 2013/0808(NLE))****(Consultation)**

(2016/C 468/63)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0310/2013),
 - having regard to Rule 108 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0436/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 7 November 2013 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Nikolaos Milionis as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0563

Appointment of a member of the Court of Auditors (Danièle Lamarque — FR)

European Parliament decision of 11 December 2013 on the nomination of Danièle Lamarque as a Member of the Court of Auditors (C7-0311/2013 — 2013/0809(NLE))

(Consultation)

(2016/C 468/64)

The European Parliament,

- having regard to Article 286(2) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0311/2013),
 - having regard to Rule 108 of its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control (A7-0437/2013),
- A. whereas Parliament's Committee on Budgetary Control proceeded to evaluate the credentials of the nominee, in particular in view of the requirements laid down in Article 286(1) of the Treaty on the Functioning of the European Union;
- B. whereas at its meeting of 7 November 2013 the Committee on Budgetary Control heard the Council's nominee for membership of the Court of Auditors;
1. Delivers a favourable opinion on the Council's nomination of Danièle Lamarque as a Member of the Court of Auditors;
 2. Instructs its President to forward this decision to the Council and, for information, the Court of Auditors, the other institutions of the European Union and the audit institutions of the Member States.
-

Wednesday 11 December 2013

P7_TA(2013)0564

Appointment of the Chair of the Supervisory Board of the European Central Bank

European Parliament decision of 11 December 2013 on the proposal of the European Central Bank for the appointment of the Chair of the Supervisory Board of the European Central Bank (N7-0103/2013 — C7-0424/2013 — 2013/0901(NLE))

(Approval)

(2016/C 468/65)

The European Parliament,

- having regard to the proposal of the European Central Bank of 22 November 2013 for the appointment of the Chair of the Supervisory Board of the European Central Bank (N7-0103/2013),
 - having regard to Article 26(3) of Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾,
 - having regard to the Interinstitutional Agreement between the European Parliament and the European Central Bank on the practical modalities of the exercise of democratic accountability and oversight over the exercise of the tasks conferred on the ECB within the framework of the Single Supervisory Mechanism ⁽²⁾,
 - having regard to its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0452/2013),
- A. whereas Article 26(3) of Regulation (EU) No 1024/2013 provides that the European Central Bank (ECB) is to submit to Parliament its proposal for the appointment of the Chair of its Supervisory Board and that the Chair is to be chosen on the basis of an open selection procedure from among individuals of recognised standing and experience in banking and financial matters who are not members of the Governing Council;
- B. whereas Article 26(2) of Regulation (EU) No 1024/2013 provides that the appointments for the Supervisory Board in accordance with that Regulation are to respect the principles of gender balance, experience and qualification;
- C. whereas, by letter of 22 November 2013, the ECB submitted to Parliament a proposal for the appointment of Danièle Nouy as the Chair of the Supervisory Board of the ECB for a term of office of five years;
- D. whereas Parliament's Committee on Economic and Monetary Affairs then proceeded to evaluate the credentials of the proposed candidate, in particular in view of the requirements laid down in Article 26(2) and (3) of Regulation (EU) No 1024/2013; whereas in carrying out that evaluation, the Committee received a curriculum vitae from the proposed candidate as well as her replies to a written questionnaire;
- E. whereas the Committee held a hearing with the proposed candidate on 27 November 2013, at which she made an opening statement and then responded to questions from the members of the Committee;
1. Approves the ECB's proposal for the appointment of Danièle Nouy as Chair of the Supervisory Board of the ECB;
 2. Instructs its President to forward this decision to the European Central Bank, the Council and the governments of the Member States.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 320, 30.11.2013, p. 1.

Wednesday 11 December 2013

P7_TA(2013)0565

Common rules and procedures for the implementation of the Union's instruments for external action *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing common rules and procedures for the implementation of the Union's instruments for external action (COM(2011)0842 — C7-0494/2011 — 2011/0415(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/66)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0842),
 - having regard to Article 294(2) and Articles 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0494/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on International Trade and the Committee on Budgets (A7-0447/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statement by Parliament annexed to this Resolution;
 3. Takes note of the Commission statements annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0415

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council laying down common rules and procedures for the implementation of the Union's instruments for financing external action

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 236/2014.)

⁽¹⁾ OJ C 391, 18.12.2012, p. 110.

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ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration of the European Commission on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and other specific, more detailed implementing rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II), aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the 'biocides' case.

European Commission declaration concerning 'reflows'

In line with the obligations set out in Article 21(5) of the 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, the European Commission will include in the draft budget a line accommodating internal assigned revenues and wherever possible, it will indicate the amount of such revenue.

The budgetary authority will be informed about the amount of the accumulated resources every year during the planning process of the budget. Internal assigned revenues will be included in the draft budget only to the extent that their amount is certain.

Statement by the European Parliament on the suspension of assistance granted under the financial instruments

The European Parliament notes that Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

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P7_TA(2013)0566

Instrument for Stability *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing an Instrument for Stability (COM(2011)0845 — C7-0497/2011 — 2011/0413(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/67)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0845),
 - having regard to Article 294(2) and Articles 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0497/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on International Trade and the Committee on Budgets (A7-0451/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0413

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing an instrument contributing to Stability and Peace

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 230/2014.)

ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace and after initial consultation of its relevant

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

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beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities⁽¹⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities⁽¹⁾, and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

⁽¹⁾ Where applicable.

Wednesday 11 December 2013

P7_TA(2013)0567

European Neighbourhood Instrument ***I

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing a European Neighbourhood Instrument (COM(2011)0839 — C7-0492/2011 — 2011/0405(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/68)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0839),
 - having regard to Article 294(2) and Articles 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0492/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 November 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on International Trade, the Committee on Budgets, the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy, the Committee on Regional Development, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A7-0449/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statement by Parliament annexed to this resolution;
 3. Takes note of the Commission declarations annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 11, 15.1.2013, p. 77.

⁽²⁾ OJ C 391, 18.12.2012, p. 110.

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P7_TC1-COD(2011)0405**Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a European Neighbourhood Instrument**

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 232/2014.)

ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities ⁽²⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities², and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Declaration of the European Commission on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and other specific, more detailed implementing rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

⁽²⁾ Where applicable.

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Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II), aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the 'biocides' case.

Statement by the European Parliament on the suspension of assistance granted under the financial instruments

The European Parliament notes that Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

Wednesday 11 December 2013

P7_TA(2013)0568

Instrument for Pre-accession Assistance *I****European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council on the Instrument for Pre-accession Assistance (IPA II) (COM(2011)0838 — C7-0491/2011 — 2011/0404(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/69)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0838),
 - having regard to Article 294(2) and Article 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0491/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 November 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade, the Committee on Budgets, the Committee on Employment and Social Affairs and the Committee on Regional Development (A7-0445/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statements by Parliament and the joint statement by the European Parliament, Council and Commission annexed to this resolution;
 3. Takes note of the Commission declarations annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0404**Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II)***(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 231/2014.)*⁽¹⁾ OJ C 11, 15.1.2013, p. 77.⁽²⁾ OJ C 391, 18.12.2012, p. 110.

Wednesday 11 December 2013

ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities ⁽²⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities², and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Joint Declaration by the European Parliament, the Council of the European Union and the European Commission concerning the funding of horizontal programmes for minorities

The European Parliament, the Council of the European Union and the European Commission agree that point (ii) of point (a) of Article 2(1) of Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II) is to be interpreted as allowing the funding of programmes aimed at enhancing respect for and protection of minorities in line with the Copenhagen criteria, as it was the case under Regulation (EC) No 1085/2006 of the Council of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).

Declaration of the European Commission on the use of implementing acts for laying down provisions for the implementation of certain rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

The European Commission considers that the rules for implementing cross-border cooperation programmes as set out in Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and other specific, more detailed implementing rules in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument and in Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II), aim at supplementing the basic act and should therefore be delegated acts to be adopted on the basis of Article 290 TFEU. The European Commission will not oppose the adoption of the text as agreed by the co-legislators. Nevertheless, the European Commission recalls that the question of delimitation between Articles 290 and 291 TFEU is currently under examination by the Court of Justice of the European Union in the 'biocides' case.

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

⁽²⁾ Where applicable.

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Statement by the European Parliament on the suspension of assistance granted under the financial instruments

The European Parliament notes that Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

Statement by the European Parliament on the Beneficiaries listed in Annex I of the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)

The European Parliament notes that the Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) uses the term 'the beneficiaries listed in Annex I' throughout the text. The European Parliament considers that this term applies to countries.

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P7_TA(2013)0569

Partnership instrument for cooperation with third countries *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries (COM(2011)0843 — C7-0495/2011 — 2011/0411(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/70)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0843),
 - having regard to Article 294(2) and Articles 207(2), 209(1) and 212(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0495/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on International Trade, the Committee on Development, the Committee on Budgets and the Committee on Industry, Research and Energy (A7-0446/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statement by Parliament annexed to this resolution;
 3. Takes note of the Commission statement annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0411

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a Partnership Instrument for cooperation with third countries

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 234/2014.)

⁽¹⁾ OJ C 391, 18.12.2012, p. 110.

Wednesday 11 December 2013

ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities ⁽²⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities², and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Statement by the European Parliament on the suspension of assistance granted under the financial instruments

The European Parliament notes that Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

⁽²⁾ Where applicable.

Wednesday 11 December 2013

P7_TA(2013)0570

Financing instrument for the promotion of democracy and human rights worldwide *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing a financing instrument for the promotion of democracy and human rights worldwide (COM(2011)0844 — C7-0496/2011 — 2011/0412(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/71)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0844),
 - having regard to Article 294(2) and Articles 209 and 212 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0496/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 15 November 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on Budgets and the Committee on Women's Rights and Gender Equality (A7-0448/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the joint statement by the Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Commission statement annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0412

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a financing instrument for democracy and human rights worldwide

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 235/2014.)

⁽¹⁾ OJ C 11, 15.1.2013, p. 81.

⁽²⁾ OJ C 391, 18.12.2012, p. 110.

Wednesday 11 December 2013

ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for democracy and human rights worldwide and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities ⁽²⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities², and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Joint Declaration of the European Parliament, the Council of the European Union and the European Commission on Election Observation Missions

The European Parliament, the Council of the European Union and the European Commission underline the important contribution of European Union Election Observation Missions (EU EOMs) to Union external relations policy supporting democracy in partner countries. EU EOMs contribute to increase transparency and confidence in electoral processes, and provide an informed assessment of elections as well as recommendations for their further improvement, in the context of Union cooperation and political dialogue with partner countries. In this regard, the European Parliament, the Council of the European Union and the European Commission agree that up to 25 % of the budget over the period 2014-2020 of the Regulation (EU) No 235/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financial instrument for democracy and human rights worldwide should be devoted to the funding of EU EOMs, depending on annual election priorities.

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

⁽²⁾ Where applicable.

Wednesday 11 December 2013

P7_TA(2013)0571

Establishing a financing instrument for development cooperation *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation (COM(2011)0840 — C7-0493/2011 — 2011/0406(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/72)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0840),
 - having regard to Article 294(2) and Article 209(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0493/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee of the Regions of 9 October 2012 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 4 December 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Development and the opinions of the Committee on Foreign Affairs, the Committee on International Trade, the Committee on Budgets and the Committee on Women's Rights and Gender Equality (A7-0450/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statement by Parliament and the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Commission statements annexed to this resolution;
 4. 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;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2011)0406

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a financing instrument for development cooperation for the period 2014-2020

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 233/2014.)

⁽¹⁾ OJ C 391, 18.12.2012, p. 110.

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ANNEX TO THE LEGISLATIVE RESOLUTION

Declaration by the European Commission on the strategic dialogue with the European Parliament ⁽¹⁾

On the basis of Article 14 TEU, the European Commission will conduct a strategic dialogue with the European Parliament prior to the programming of the Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020 and after initial consultation of its relevant beneficiaries, where appropriate. The European Commission will present to the European Parliament the relevant available documents on programming with indicative allocations foreseen per country/region, and, within a country/region, priorities, possible results and indicative allocations foreseen per priority for geographic programmes, as well as the choice of assistance modalities ⁽²⁾. The European Commission will present to the European Parliament the relevant available documents on programming with thematic priorities, possible results, choice of assistance modalities², and financial allocations for such priorities foreseen in thematic programmes. The European Commission will take into account the position expressed by the European Parliament on the matter.

The European Commission will conduct a strategic dialogue with the European Parliament in preparing the mid-term review and before any substantial revision of the programming documents during the period of validity of this Regulation.

The European Commission, if invited by the European Parliament, will explain where the European Parliament's observations have been taken into consideration in the programming documents and any other follow-up given to the strategic dialogue.

Declaration by the European Parliament, the Council of the European Union and the European Commission on point (ii) of point (b) of Article 5(2) of Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020

With regard to the application of point (ii) of point (b) of Article 5(2) of Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020 at the time of entry into force of that Regulation, the following partner countries are considered eligible for bilateral cooperation, as exceptional cases, including in view of the phasing out of development grant aid: Cuba, Colombia, Ecuador, Peru and South Africa.

Declaration by the European Commission on Article 5 of Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020

The European Commission will seek the views of the European Parliament before changing the application of point (ii) of point (b) of Article 5(2) of Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020.

Declaration by the European Commission on allocation for basic services

Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument for development cooperation for the period 2014-2020 should enable the Union to contribute to fulfilling the joint Union commitment of providing continued support for human development to improve people's lives in line with the Millennium Development Goals. At least 20 % of allocated assistance under that Regulation will be allocated to basic social services, with a focus on health and education, and to secondary education, recognising that a degree of flexibility must be the norm,

⁽¹⁾ The European Commission will be represented at the responsible Commissioner level.

⁽²⁾ Where applicable.

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such as cases where exceptional assistance is involved. Data concerning the respect of this declaration will be included in the annual report referred to in Article 13 of the Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instrument for financing external action.

Statement by the European Parliament on the suspension of assistance granted under the financial instruments

The European Parliament notes that Regulation (EU) No 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020, Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, Regulation (EU) No 234/2014 of the European Parliament and of the Council of 11 March 2014 establishing a Partnership Instrument for cooperation with third countries and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) do not contain any explicit reference to the possibility of suspending assistance in cases where a beneficiary country fails to observe the basic principles enunciated in the respective instrument and notably the principles of democracy, rule of law and the respect for human rights.

The European Parliament considers that any suspension of assistance under these instruments would modify the overall financial scheme agreed under the ordinary legislative procedure. As a co-legislator and co-branch of the budgetary authority, the European Parliament is therefore entitled to fully exercise its prerogatives in that regard, if such a decision is to be taken.

Wednesday 11 December 2013

P7_TA(2013)0572

European Globalisation Adjustment Fund (2014 — 2020) *I****European Parliament legislative resolution of 11 December 2013 on the proposal for a regulation of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014 — 2020) (COM(2011)0608 — C7-0319/2011 — 2011/0269(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/73)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0608),
 - having regard to Article 294(2) and Articles 175, 42 and 43 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0319/2011),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 175 of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of the Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Danish Parliament, by the Netherlands Senate and the Netherlands House of Representatives, and by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 23 February 2012 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 3 May 2012 ⁽²⁾,
 - having regard to the undertaking given by the Council representative by letter of 18 October 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on International Trade, the Committee on Budgets, the Committee on Budgetary Control, the Committee on Regional Development and the Committee on Women's Rights and Gender Equality (A7-0005/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 143, 22.5.2012, p. 42.

⁽²⁾ OJ C 225, 27.7.2012, p. 159.

Wednesday 11 December 2013

P7_TC1-COD(2011)0269

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) No 1309/2013.)

Wednesday 11 December 2013

P7_TA(2013)0573

Mandatory automatic exchange of information in the field of taxation ***European Parliament legislative resolution of 11 December 2013 on the proposal for a Council directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (COM(2013)0348 — C7-0200/2013 — 2013/0188(CNS))****(Special legislative procedure — consultation)**

(2016/C 468/74)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0348),

 - having regard to Article 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0200/2013),

 - having regard to Rule 55 of its Rules of Procedure,

 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Budgetary Control (A7-0376/2013),
1. Approves the Commission proposal as amended;

 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;

 3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;

 4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;

 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Wednesday 11 December 2013

Amendment 1
Proposal for a directive

Recital 1

Text proposed by the Commission

- (1) In recent years, the challenge posed by tax fraud **and** tax evasion has increased considerably and has become a major focus of concern within the Union and at global level. Unreported and untaxed income is considerably reducing national tax revenues. An increase in the efficiency and effectiveness of tax collection is therefore urgently needed. The automatic exchange of information constitutes an important tool in this regard and the Commission in its Communication of 6 December 2012 containing an Action plan to strengthen the fight against tax fraud and tax evasion⁽⁸⁾ highlighted the need to promote vigorously the automatic exchange of information as the future European and international standard for transparency and exchange of information in tax matters. The European Council on 22 May 2013 requested the extension of automatic information exchange at Union and global levels with a view to combatting tax fraud, tax evasion and aggressive tax planning.

⁽⁸⁾ COM(2012)722 final.

Amendment

- (1) In recent years, the challenge posed by tax fraud, tax evasion **and aggressive tax planning** has increased considerably and has become a major focus of concern within the Union and at global level, **especially in times of crisis**. Unreported and untaxed income is considerably reducing national tax revenues, **creating conditions for unfair competition and leading to losses**. An increase in the efficiency and effectiveness of tax collection is therefore urgently needed. **There should be effective systems in place to improve the efficiency of tax collection and to determine which Member State's tax law is applicable**. The automatic exchange of information constitutes an important tool in this regard and the Commission in its Communication of 6 December 2012 containing an Action plan to strengthen the fight against tax fraud and tax evasion⁽⁸⁾ highlighted the need to promote vigorously the automatic exchange of information as the future European and international standard for transparency and exchange of information in tax matters. **The European Parliament, in its resolution of 21 May 2013 on Fight against Tax Fraud, Tax Evasion and Tax Havens⁽⁹⁾, and the European Council on 22 May 2013,** requested the extension of automatic information exchange at Union and global levels with a view to combatting tax fraud, tax evasion and aggressive tax planning.

⁽⁸⁾ COM(2012)0722 final.

⁽⁹⁾ **Texts adopted, P7_TA(2013)0205.**

Wednesday 11 December 2013

Amendment 2
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) *In the past, tax policy was seen as an exclusively national matter, in which the Union does not matter. Today, tax must be as a result of globalisation, also discussed at the Union level. It would be more efficient and effective for the Commission to coordinate the exchange of information on tax on behalf of Member States than have a series of bilateral agreements between Member States. Different standards for automatic exchange of information vary from country to country. This is unnecessarily complex and imposes unnecessarily high costs for both Member States and financial institutions within the Union.*

Amendment 3
Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

- (1b) *The definitions relating to Directive 2011/16/EU should be developed in coordination with the OECD's work in this area, with the purpose of providing clearer explanations, simplifying the regulatory framework and enhancing the coherence of the amendments to that Directive.*

Amendment 4
Proposal for a directive
Recital 3

Text proposed by the Commission

Amendment

- (3) As highlighted by the request of the European Council, it is appropriate to bring forward the extension of automatic information exchange already envisaged in Article 8(5) of Directive 2011/16/EU. A Union initiative ensures a coherent, consistent and comprehensive Union-wide approach to the automatic exchange of information in the internal market **which would lead to cost savings both for tax administrations and economic operators.**

- (3) As highlighted by the request of the European Council, it is appropriate to bring forward the extension of automatic information exchange already envisaged in Article 8(5) of Directive 2011/16/EU. A Union initiative ensures a coherent, consistent and comprehensive Union-wide approach to the automatic exchange of information in the internal market **and is important in order to improve the efficiency of the tax systems and to strengthen the internal market in which the co-existence of 28 national tax systems raises issues of double taxation and distortion of competition. Not only would Member States benefit from the exchange of information on an equal footing, but the Union would be able to take the lead to promote similar standards internationally.**

Wednesday 11 December 2013

Amendment 5
Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

- (3a) *Member States should implement administrative cooperation and exchange of information that does not violate taxpayers' procedural rights or their right to privacy.*

Amendment 6
Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

- (3b) *In accordance with the OECD report of 19 June 2013 and the St Petersburg G20 Leaders' Declaration of 6 September 2013, the automatic exchange of information should be based on a common global model which ensures adequate confidentiality and the proper use of information exchanged. Expanding the scope of the automatic exchange of tax information will be the Union's contribution to the work of the OECD and should increase the probability of a coherent global system, based on the new OECD standard to be presented in February 2014.*

Amendment 7
Proposal for a directive
Recital 3 c (new)

Text proposed by the Commission

Amendment

- (3c) *When data is submitted to the tax authorities for the purpose of information exchange with other countries, it is important to clarify how those authorities may use that data.*

Amendment 9
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) *In order to reduce ambiguities and inconsistencies, and to achieve cost savings, it is essential that the implementation of this Directive is coordinated with the implementation of FATCA.*

Wednesday 11 December 2013

Amendment 10
Proposal for a directive

Recital 5

Text proposed by the Commission

- (5) The conclusion of parallel and uncoordinated agreements by Member States under Article 19 of Directive 2011/16/EU would lead to distortions that would be detrimental to the smooth functioning of the internal Market. Expanded automatic information exchange on the basis of a Union-wide legislative instrument would remove the need for Member States to invoke that provision, with a view to concluding bilateral or multilateral agreements that may be considered appropriate on the same subject in the absence of relevant Union legislation.

Amendment

- (5) The conclusion of parallel and uncoordinated agreements by Member States under Article 19 of Directive 2011/16/EU would lead to distortions that would be detrimental to the smooth functioning of the internal Market **and to the Union approach as a whole**. Expanded automatic information exchange on the basis of a Union-wide legislative instrument would remove the need for Member States to invoke that provision, with a view to concluding bilateral or multilateral agreements that may be considered appropriate on the same subject in the absence of relevant Union legislation. **Therefore, the Union would also be in a better negotiating position to push for higher standards of tax information exchange at a global level.**

Amendment 11
Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **Work is in progress under the auspices of the OECD to develop bilateral and multilateral model agreements on exchanging information. Negotiations are also being held between the USA and many other countries on the implementation of FATCA by means of bilateral agreements. Many of the proposed amendments to Directive 2011/16/EU on administrative cooperation in the field of taxation regulate the same information exchange with which FATCA and the work at the OECD are concerned. The Commission should clarify the relationship between those regulatory provisions in order to ensure that the national tax authorities and the financial institutions responsible for applying those amendments are able to implement them.**

Amendment 12
Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) **The new categories of income and capital in respect of which this Directive introduces an obligation to exchange information should be established in accordance with their interpretation in the law of the Member State communicating the information.**

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Amendment 13
Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *The purpose of the existing provision of information to national tax authorities on income from capital and services is, inter alia, to provide a basis for taxation and for exchanges of information with other countries. If the requirement to provide information is now altered and information is obtained purely for the purpose of exchanging it, it is important to make it clear how the national tax authorities are permitted to use that information.*

Amendment 15
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) *Each Member State should lay down penalties for breaches of this Directive and should take appropriate measures to ensure compliance therewith.*

Amendment 16
Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

- (10) This Directive respects the fundamental rights and observes the principles which are recognised in particular **by** the Charter of Fundamental Rights of the European Union.

- (10) This Directive respects the fundamental rights and observes the principles which are recognised in particular **in Article 16 of the Treaty on the Functioning of the European Union and in Article 8 of the Charter of Fundamental Rights of the European Union. In light of the sensitivity of the data to be collected, specific attention should be paid to the respect for the right to privacy and to legitimate claims of confidentiality, in particular during any inquiry process.**

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Amendment 17**Proposal for a directive****Article 1 — point b**

Directive 2011/16/EU

Article 8 — paragraph 3a — subparagraph 1 — introductory part

Text proposed by the Commission

3a. The competent authority of each Member State shall, by automatic exchange, communicate to the competent authority of any other Member State, information regarding taxable periods as from 1 January 2014 concerning the following items which are paid, secured or held by a financial institution for the direct or indirect benefit of a beneficial owner who is a natural person resident in that other Member State:

Amendment

3a. The competent authority of each Member State shall, by automatic exchange, communicate to the competent authority of any other Member State, information regarding taxable periods as from 1 January 2014 concerning the following items, **in accordance with its national law**, which are paid, secured or held by a financial institution for the direct or indirect benefit of a beneficial owner who is a natural person resident in that other Member State:

Amendment 18**Proposal for a Directive****Article 1 — point b a (new)**

Directive 2011/16/EU

Article 8 — paragraph 4

Present text

4. Before 1 July 2016, Member States shall provide the Commission on an annual basis with statistics on the volume of automatic exchanges and, to the extent possible, with information on the administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for both tax administrations and third parties.

*Amendment***(ba) Paragraph 4 is replaced by the following:**

‘4. Before 1 July 2016, Member States shall provide the Commission on an annual basis with statistics on the volume of automatic exchanges and, to the extent possible, with information on the administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for both tax administrations and third parties. **The Commission shall inform the European Parliament of the information received.**’

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Amendment 19

Proposal for a directive

Article 1 — point c

Directive 2011/16/EU

Article 8 — paragraph 5 — subparagraph 1

Text proposed by the Commission

5. Before 1 July 2017, the Commission shall submit a report that provides an overview and an assessment of the statistics and information received, on issues such as the administrative and other relevant costs and benefits of the automatic exchange of information, as well as practical aspects linked thereto. If appropriate, the Commission shall present a proposal to the Council regarding the categories **and** the conditions laid down in paragraph 1, including the condition that information concerning residents in other Member States has to be available, or the items referred to in paragraph 3a, or both.

Amendment

5. Before 1 July 2017, the Commission shall submit **to the European Parliament and to the Council** a report that provides an overview and an **impact** assessment of the statistics and information received, on issues such as the administrative and other relevant costs and benefits of the automatic exchange of information, as well as practical aspects linked thereto. If appropriate, the Commission shall present a proposal to the **European Parliament and to the Council** regarding the categories **of income and capital**, the conditions laid down in paragraph 1, **or both**, including the condition that information concerning residents in other Member States has to be available, or the items referred to in paragraph 3a, or both.

Amendment 21

Proposal for a directive

Article 1 — paragraph 1 a (new)

Directive 2011/16/EU

Article 18 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

1a. In Article 18, the following paragraph is inserted:

‘2a. Member States shall lay down penalties for breaches of this Directive and shall take the measures necessary to ensure compliance therewith. Such penalties shall be effective, proportionate and persuasive.’

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Amendment 22**Proposal for a directive****Article 1 — paragraph 1 b (new)**

Directive 2011/16/EU

Article 19 a (new)

Text proposed by the Commission

*Amendment***1b. The following Article is inserted:*****'Article 19a******Mandate for negotiations with third countries***

From [the date of entry into force of this Directive], only the Commission shall negotiate agreements with third countries on automatic exchange of information (AEOI) on behalf of the Union. From that date Member States shall not engage in bilateral agreements.'

Amendment 23**Proposal for a directive****Article 1 — paragraph 1 c (new)**

Directive 2011/16/EU

Article 22 — paragraph 1 — point c a (new)

Text proposed by the Commission

*Amendment***1c. In Article 22(1), the following point is added:**

'(ca) make available the human, technological and financial resources needed for the implementation of this Directive, given the amount and the complexity of information, subject to the automatic exchange starting on 1 January 2015.'

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Amendment 24

Proposal for a Directive

Article 1 — paragraph 1 d (new)

Directive 2011/16/EU

Article 23 — paragraph 3

Present text

Amendment

1d. In Article 23, paragraph 3 is replaced by the following:

3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the automatic exchange of information referred to in Article 8 as well as the practical results achieved. The form and the conditions of communication of that yearly assessment shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2).

‘3. Member States shall communicate to the Commission a yearly assessment of the effectiveness of the automatic exchange of information referred to in Article 8 as well as the practical results achieved. The form and the conditions of communication of that yearly assessment shall be adopted by the Commission in accordance with the procedure referred to in Article 26(2). **The Commission shall inform the European Parliament of the assessments by the Member States on an annual basis.**’

Amendment 25

Proposal for a Directive

Article 1 — paragraph 1 e (new)

Directive 2011/16/EU

Article 25

Present text

Amendment

1e. Article 25 is replaced by the following:

Article 25

‘Article 25

Data protection

Data protection

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Present text

All exchange of information pursuant to this Directive shall be subject to the provisions implementing Directive 95/46/EC. However, Member States shall, for the purpose of the correct application of this Directive, restrict the scope of the obligations and rights provided for in Article 10, Article 11(1), Articles 12 and 21 of Directive 95/46/EC to the extent required in order to safeguard the interests referred to in Article 13(1)(e) of that Directive.

Amendment

1. All exchange of information pursuant to this Directive shall be subject to the provisions implementing Directive 95/46/EC. However, Member States shall, for the purpose of the correct application of this Directive, restrict the scope of the obligations and rights provided for in Article 10, Article 11(1), Articles 12 and 21 of Directive 95/46/EC to the extent **specifically** required in order to safeguard the interests referred to in Article 13(1)(e) of that Directive.

2. Member States shall take appropriate measures to protect the exchanged information from unauthorised access by third parties or by third countries.'

Amendment 31**Proposal for a directive****Article 2 — paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. By ...* [12 months after the date of entry into force of this Directive], the Commission shall review the functioning of this Directive and, if appropriate, submit a legislative proposal to the Council to provide for transparency of information exchanges.

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P7_TA(2013)0574

System for registration of carriers of radioactive materials *I**

European Parliament legislative resolution of 11 December 2013 on the proposal for a Council regulation establishing a Community system for registration of carriers of radioactive materials (COM(2012)0561 — C7-0320/2012 — 2011/0225(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/75)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2012)0561),
 - having regard to Articles 31 and 32 of the Euratom Treaty, pursuant to which the Council consulted Parliament (C7-0320/2012),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 91 of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 22 February 2012 ⁽¹⁾,
 - having regard to Rule 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0385/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
 3. Instructs its President to forward its position to the Council and the Commission.

P7_TC1-COD(2011)0225

Position of the European Parliament adopted at first reading on 11 December 2013 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council establishing a Community system for registration of carriers of radioactive materials [Am. 1]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ~~establishing the European Atomic Energy Community~~ **on the Functioning of the European Union**, and in particular ~~the second paragraph of Article 31 and Article 32~~ **91** thereof, [Am. 2]

Having regard to the proposal from the ~~Commission, drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee~~ **European Commission**, [Am. 3]

After transmission of the draft legislative act to the national parliaments,

⁽¹⁾ OJ C 143, 22.5.2012, p. 110.

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Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

~~Having regard to the opinion of the European Parliament~~ **Acting in accordance with the ordinary legislative procedure** ⁽²⁾,
[Am. 4]

Whereas:

- (1) Article 33 of the Treaty requires Member States to lay down the appropriate provisions to ensure compliance with the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.
- (2) The basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation are established by Council Directive 96/29/Euratom ⁽³⁾. That Directive applies to all practices which involve a risk of ionising radiation emanating from an artificial or a natural radiation source, including transport.
- (3) In order to ensure compliance with the basic safety standards persons, organisations or undertakings are subject to regulatory control by the authorities of the Member States. For that purpose Directive 96/29/Euratom requires Member States to submit certain practices involving a hazard from ionising radiation to a system of reporting and prior authorisation or to prohibit certain practices.
- (4) Transport being the only practice of a frequent cross-border nature, carriers of radioactive materials may be required to comply with requirements related to reporting and authorisation systems in several Member States. This Regulation replaces those reporting and authorisation systems in the Member States with a single registration system valid across the European Atomic Energy Community (hereinafter the 'Community').
- (4a) ***There is a need to ensure efficient and harmonised implementation of this Regulation by defining common criteria which Member States should apply in issuing registration certificates and by setting up a mechanism for feasible and mandatory exchange of information with other Member States in order to ensure control of carriers, verify compliance, and react efficiently to emergency situations.*** [Am. 5]
- (5) For carriers by air and sea, such registration and certification systems already exist. Council Regulation (EEC) No 3922/91 ⁽⁴⁾ lays down that air carriers need a specific air operator certificate for the transportation of dangerous goods. For transports by sea, Directive 2002/59/EC of the European Parliament and of the Council ⁽⁵⁾ establishes a Community vessel traffic monitoring and information system. The certificates issued by the civil aviation authorities and the reporting system for maritime vessels are deemed to satisfactorily implement the reporting and authorisation requirements of Directive 96/29/Euratom. Registration of air and sea carriers under this Regulation is therefore not necessary to enable Member States to ensure compliance with the basic safety standards in these transport modes.
- (6) Carriers of radioactive material are subject to a number of requirements of Union and Euratom legislation as well as international legal instruments. The International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (TS-R-1) and the Model Regulations for the Transport of Dangerous Goods continue to apply directly or are implemented by Member States under Directive 2008/68/EC of the European Parliament and of the Council ⁽⁶⁾ for road, rail and inland waterway transport. The provisions of that Directive are, however, without prejudice to the application of other provisions in the fields of occupational safety and health and environmental protection.

⁽¹⁾ OJ C 143, 22.5.2012, p. 110.

⁽²⁾ Position of the European Parliament of 11 December 2013.

⁽³⁾ Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation (OJ L 159, 29.6.1996, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4).

⁽⁵⁾ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

⁽⁶⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

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- (6a) *In order to take into account possible risks related to the safety standards for the protection of the environment and health of workers and the general public, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the establishment of common criteria to be complied with by carriers of radioactive materials in order to obtain a registration certificate. 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. [Am. 60]*
- (7) In order to ensure uniform conditions for implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁾.
- (7a) *Given the broad aim of reducing the regulatory burden on industry, the economic impact of this Regulation on the many small businesses that transport radioactive material within a single Member State's territory should be further monitored by the Commission. [Am. 7]*

HAVE ADOPTED THIS REGULATION

Article 1

Subject matter and scope

1. This Regulation establishes a Community system for the **authorisation and** registration of carriers of radioactive materials ~~which facilitates the Member States' task of ensuring that the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiations laid down in~~ **based on Directive 2008/68/EC and** Directive 96/29/Euratom ~~are complied with.~~ [Am. 8]
2. This Regulation shall apply to any carrier transporting radioactive materials **by road, rail and inland waterway** within the Community, from third countries into the Community and from the Community into third countries. ~~It shall not apply to carriers transporting radioactive materials by air and sea.~~ [Am. 9]
- 2a. This Regulation shall apply without prejudice to national provisions dealing with the protection of transport of radioactive materials against theft, sabotage or other malicious acts.** [Am. 10]

Article 2

Definitions

For the purposes of this Regulation

- (a) 'carrier' means any person, organisation or ~~public~~ undertaking conducting the carriage of radioactive material by any means of transport in the Community. This includes carriers for hire or reward and carriers on own account; [Am. 11]
- (b) 'competent authority' means any authority designated by the Member State to carry out tasks provided for in this Regulation;
- (ba) '**common criteria**' means **a set of safety standards based on the Model Regulations for the Transport of Dangerous Goods (the European Agreement on the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)), Directive 96/29/Euratom and Directive 2008/68/EC with which carriers of radioactive materials must comply with in order to obtain a registration certificate;** [Am. 12]
- (c) 'transport' means all transport operations **undertaken by the carrier** from the place of origin to the place of destination, ~~including loading, storage in transit and unloading of radioactive material;~~ [Am. 13]

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for the control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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- (d) 'radioactive material' ~~means any material containing radionuclides where both the activity concentration and the total activity in the consignment exceed the values specified in paragraphs 402–407 of the IAEA Regulations for the Safe Transport of Radioactive Material, Safety Requirements No. TS-R-1, Vienna, 2009~~ **has the same meaning as in the Model Regulations for the Transport of Dangerous Goods (ADR, RID and ADN) which are implemented by Member States under Directive 2008/68/EC; [Am. 14]**
- (e) 'high consequence dangerous goods — radioactive material' means radioactive material which have the potential for **accidental release or** misuse in a terrorist incident and which may, as a result, produce serious consequences such as mass casualties or mass destruction as defined in Appendix A.9. of the IAEA Nuclear Security Series No.9 'Security in the Transport of Radioactive Material', Vienna, 2008; **[Am. 15]**
- (f) 'excepted package' means any package ~~in which the allowed~~ **containing** radioactive content ~~does not exceed the activity levels laid down in Table V of Section IV of the IAEA~~ **material that meet the requirements for packages classified as 'excepted packages' as specified in the Model** Regulations for the Safe Transport of Radioactive Material, Safety Requirements No. TS-R-1, Vienna, 2009, ~~or one tenth of these limits for transport by post and which is labelled as UN No. 2908, 2909, 2910 or 2911~~ **Dangerous Goods (ADR, RID and ADN) which are implemented by Member States under Directive 2008/68/EC; [Am. 16]**
- (g) 'fissile material' means uranium-233, uranium-235, plutonium-239 and plutonium-241 or any combination of these radionuclides.

Article 3

General provisions

1. Carriers of radioactive materials shall have a valid registration obtained in accordance with Article 5. The registration shall allow the carrier to conduct transport throughout the whole Union.
 2. Individual transport operations shall be accompanied by a copy of the carrier's registration certificate ~~or by the licence or registration obtained in accordance with the applicable national procedure in the case of transport referred to in paragraph 3.~~ **[Am. 17]**
 3. ~~A holder of valid licences or registrations issued in accordance with Directive 96/29/Euratom for the handling of radioactive material or for the use of equipment containing radioactive material or sources may transport these materials or sources without registration under this Regulation if transportation is included in the licences or registrations for all Member States where the transport takes place.~~ **[Am. 18]**
 4. National reporting and authorisation requirements that are additional to the requirements laid down by this Regulation may ~~only apply to,~~ **but are not limited to,** the carriers of the following materials:
 - (a) ~~fissile material, except for natural uranium or depleted uranium which has been irradiated in a thermal reactor only;~~ **[Am. 52]**
 - (b) high consequence dangerous goods — radioactive material.
 5. A registration shall not be required for carriers transporting exclusively excepted packages.
- 5a. Any transport of radioactive materials shall comply with the international rules and standards set by UNECE on dangerous and polluting goods, as well as the corresponding ADR, RID, and ADN, as defined in Directive 2008/68/EC. [Am. 19]**

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5b. When applying for registration, the applicant shall submit evidence of its financial capacity to provide compensation for any damage in the event of an accident for which its convoy is responsible, in accordance with the 'polluter pays' principle. [Am. 53]

5c. The carriage of radioactive material on a convoy transporting explosives shall be prohibited. [Am. 54]

Article 4

Electronic System for Carrier Registration (ESCREg)

1. Electronic System for Carrier Registration (ESCREg) shall be established ~~and maintained~~, **maintained and secured** by the Commission for the supervision and control of the **registration of carriers transport** of radioactive material. The Commission shall define the information to be included in the system, technical specifications and requirements for the ESCREg. **In order to avoid misinterpretation, those specifications shall be complete and unambiguous. [Am. 20]**

1a. The ESCREg shall be secured, robust and fully operational before the entry into force of this Regulation. In addition, an information exchange mechanism between the competent authorities and the ESCREg shall be set up in order to facilitate at least cross border transport. [Am. 21]

2. The ESCREg shall grant restricted and secure access to the competent authorities of the Member States, to registered carriers and to applicants, subject to the relevant provisions on personal data protection, as laid down by Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾. The competent authorities shall have access to all data available. **The ESCREg shall provide the public with access to the list of registered carriers. [Am. 22]**

3. ~~The Commission shall not~~ **competent authorities of the Member States shall** be responsible for the content ~~and the accuracy~~ of information submitted through the ESCREg, **which shall be accurate, timely and transparent. [Am. 23]**

Article 5

Registration procedure

1. A carrier shall apply for registration through the ESCREg **to the competent authority referred to in paragraph 3. [Am. 24]**

The applicant carrier shall submit the completed electronic application form set out in Annex I. **Online guidelines with contact data and information on how to reach the contact point or the competent authority shall be available at all times in order to assist the applicant. [Am. 25]**

A transitional period of one year after ... (*) shall apply, in order for all carriers to apply for and obtain a registration certificate under this Regulation. During this transitional period, the provisions of Directive 96/29/Euratom and Directive 2008/68/EC shall apply. [Am. 26]

2. Upon completion and submission of the application form, the applicant shall receive an automatic acknowledgement of receipt, together with an application number. **The competent authority shall receive the same acknowledgement. The Commission shall be responsible for ensuring compliance with paragraph 3 of this Article. In the event of rejection an error message shall be sent to the applicant giving the reasons for which the application was rejected. [Am. 27]**

3. If the applicant is established in one or more Member States, the competent authority of the Member State where the head office of the applicant is established shall process the application.

If the applicant is established in a third country, the competent authority of the Member State where the carrier intends to first enter the territory of the Union shall process the application.

The competent authority of the Member State which issues the first certificate of carrier registration shall issue also the new certificate in the event of modification of data in accordance with Article 6.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

^(*) **Date of entry into force of this Regulation.**

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4. Within eight weeks of issuing the acknowledgement of receipt the competent authority shall issue a certificate of carrier registration if it considers the submitted information to be complete and in compliance with this Regulation; ~~Directive 96/29/Euratom and Directive 2008/68/EC~~ **and that the applicant fulfils the requirements of the common criteria.** [Am. 28]

5. The certificate of carrier registration shall contain the information set out in Annex II and shall be issued in the form of the standardized registration certificate through the ESCReg.

A copy of the certificate of carrier registration shall be provided automatically through the ESCReg to ~~all~~ the competent authorities of ~~the~~ **all** Member States ~~where the carrier intends to operate.~~ [Am. 29]

6. **The competent authority shall ask the applicant to provide, within three weeks of receipt of this request, the necessary corrections or supplementary information, if needed.** If the competent authority refuses to issue a certificate of carrier registration on the grounds that the application is not complete or not in compliance with the applicable requirements, it shall respond in writing to the applicant within eight weeks after issuing the acknowledgement of receipt. ~~Prior to such refusal, the competent authority shall require that the applicant corrects or supplements the application within three weeks from the receipt of this request.~~ The competent authority shall provide a statement of the reasons for refusal. [Am. 30]

A copy of the refusal and statement of the reasons shall be provided automatically through the ESCReg to ~~all~~ the competent authorities of ~~the~~ **all** Member States ~~where the carrier intends to operate.~~ [Am. 31]

7. If the request for a certificate of carrier registration is refused, the applicant may lodge an appeal in accordance with the applicable national legal requirements.

8. A valid certificate of registration shall be recognized by all Member States.

9. The certificate of carrier registration shall be valid for a period of five years and may be renewed upon application by the carrier.

9a. The competent authority shall retain all historical data for all applicants in order to ensure their traceability, to facilitate better monitoring and to prevent any falsification. [Am. 32]

Article 6

Modification of data

1. The carrier shall be responsible for ensuring the continued accuracy of the data provided in the application form for Community carrier registration submitted to the ESCReg. **An applicant shall therefore be authorised to update its own data easily with a limited administrative burden.** [Am. 33]

1a. The competent authority that issued the certificate shall be responsible for monitoring, through inspections, the continued compliance of the registered carrier with the requirements of this Regulation for the period of validity of the certificate. [Am. 34]

2. The carrier shall apply for a new certificate in the event of modification of the data contained in part A of the application form for Community carrier registration.

2a. In order to ensure equal treatment for all applicants, the competent authorities shall ensure that the criteria for delivering the registration certificate are identical and consistent with IAEA definitions and that the registration process is harmonized. [Am. 35]

Article 7

Compliance assurance

1. If a carrier does not comply with the requirements of this Regulation the competent authority of the Member State where the non-compliance was discovered shall apply enforcement measures within the legal framework of that Member State, such as written notices, training and education measures, ~~suspension, revocation or modification of the registration~~ or prosecution, depending on the safety significance of the non-compliance and the record of compliance of the carrier.

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The enforcement measures shall be immediately notified to the Member State that issued the certificate. Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through the ESCReg to the competent authorities of all Member States. [Am. 36]

1a. Depending on the safety significance of the non-compliance and the record of compliance of the carrier, the Member State where the non-compliance was discovered may suspend the carrier's registration.

The suspension shall be immediately notified to the Member State that issued the certificate. Within a maximum of four weeks, the notified Member State shall modify, renew or revoke the registration. The decision shall be issued through the ESCReg to the competent authorities of all Member States. [Am. 37]

~~2. The competent authority of the Member State where the non-compliance was discovered shall communicate to the carrier and to the competent authorities of the all Member States where the carrier was planning to transport radioactive materials, and the Commission information on enforcement action applied and a statement of reasons for application of that action. If the carrier does not comply with the enforcement action applied pursuant to paragraph 1, the competent authority of the Member State of establishment of the head office of the carrier or, if the carrier is established in a third country, the competent authority of the Member State, where the carrier intended to first enter the territory of the Community shall revoke the registration. [Am. 38]~~

~~3. The competent authority shall communicate to the carrier and to the other competent authorities concerned the revocation together with a statement of reasons. [Am. 39]~~

3a. All cases of non-compliance shall be reported to the Commission and to the ESCReg. [Am. 40]

Article 8

Competent authorities and national contact point

1. Member States shall designate a competent authority and a national contact point for the ~~transport~~ **registration of carriers** of radioactive materials. **That information shall be made available on the registration page of the applicant.** [Am. 41]

Member States shall forward to the Commission not later than one month after the entry into force of this Regulation the name(s), address(es) and all necessary information for rapid communication with the competent authorities and with the national contact point for the transport of radioactive materials, as well as any subsequent change to such data.

The Commission shall communicate this information and any changes thereto to all competent authorities in the Community through the ESCReg **and make it available to the public on the internet.** [Am. 42]

2. The information on the national rules on radiation protection applicable to the transport of radioactive materials shall be easily accessible ~~to carriers~~ through the contact points. [Am. 43]

3. Upon carriers' request the contact point and the competent authority of the respective Member State shall provide complete information on the requirements for the transport of radioactive materials on the territory of that Member State.

The information shall be easily accessible at a distance and by electronic means and kept up to date.

The contact points and the competent authorities shall respond as quickly as possible to any request for information and in cases where the request is faulty or unfounded, inform the applicant accordingly ~~without delay~~ **within two weeks.** [Am. 44]

Article 9

Cooperation between competent authorities

Competent authorities of Member States shall cooperate with a view to harmonising their requirements for issuing a registration and to ensuring the harmonised application and enforcement of this Regulation.

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Where there are several competent authorities within a Member State, they shall liaise and cooperate closely on the basis of legal or formal agreements between them covering the responsibilities of each authority. They shall communicate with and provide information to each other, to the national contact point, and to other governmental and non-governmental organisations that have related responsibilities.

Article 9a

Delegated acts

The Commission shall adopt delegated acts in accordance with Article 9b establishing the common criteria referred to in point ba of Article 2. [Am. 58]

Article 9b

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 Article 9a shall be conferred on the Commission for a period of five years from 1 January 2014.**
3. **The delegation of power referred to in Article 9a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.**
4. **As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.**
5. **A delegated act adopted pursuant to Article 9a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. [Am. 59]**

Article 10

Implementation

The Commission shall adopt implementing acts establishing the Electronic System for Carrier Registration (ESCREg) described in Article 4.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11(2).

Article 11

Advisory Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. The committee shall advise and assist the Commission in the performance of its tasks provided for in this Regulation.
4. The committee shall be composed of experts nominated by the Member States and of experts nominated by the Commission and shall be chaired by a representative of the Commission.

Wednesday 11 December 2013

Article 11a

Review

The Commission shall review this Regulation by ... () in order to assess its effectiveness and propose, if necessary, further measures to ensure safe carriage of radioactive materials within the Community and from third countries.*
[Am. 47]

Article 12

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

The application of this Regulation shall take into account the availability of a validated and operational registration system. [Am. 49]

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

ANNEX I

APPLICATION FORM FOR COMMUNITY CARRIER REGISTRATION

PLEASE SEND THIS APPLICATION ONLY USING THE EUROPEAN COMMISSION'S SECURE ELECTRONIC SYSTEM FOR CARRIER REGISTRATION (ESReg)

IF THERE IS ANY CHANGE IN THE INFORMATION IN PART A, A NEW REGISTRATION MUST BE REQUESTED. The carrier is responsible for ensuring that the data provided in the application form for Community carrier registration submitted through this system remain accurate.

The information provided in the present application form will be processed by the European Commission in compliance with Directive 95/46/EC of the European Parliament and of the Council.

- NEW CERTIFICATE OF REGISTRATION
- MODIFICATION OF AN EXISTING REGISTRATION
- RENEWAL OF AN EXISTING REGISTRATION

Registration Certificate number/s:

Please give details of why a change to an existing registration is being sought

(*) **Two years after the entry into force of this Regulation.**

Wednesday 11 December 2013

1. IDENTIFICATION OF THE APPLICANT:

PART A	PART B
<p>COMPANY NAME:</p> <p>FULL ADDRESS:</p> <p>NATIONAL REGISTRATION NUMBER:</p>	<p>1. Name, position, full address, mobile and land line telephone number and e-mail-address of the responsible representative of the carrier's organisation (person empowered to commit the carrier's organisation):</p> <p>2. Name, position, full address, mobile and land line telephone number and e-mail-address of the contact person for the authorities on technical/administrative issues (who has the responsibility for compliance with the regulations for the activities deployed by the carrier company):</p> <p>3. Name, position and full address, mobile and land line telephone number and e-mail-address of the safety adviser (only for inland transport modes and if different from 1 or 2):</p> <p>4. Name, position and full address, mobile and land line telephone number and e-mail-address of the person responsible for the implementation of the Radiation Protection Programme if different from 1 or 2 or 3: [Am. 50]</p>

2. NATURE OF TRANSPORT:

PART A	PART B
<p><input type="checkbox"/> ROAD</p> <p><input type="checkbox"/> RAIL</p> <p><input type="checkbox"/> INLAND WATERWAYS</p>	<p>1 Staff involved and trained for transport (information)</p> <p><input type="checkbox"/> 1 to 5</p> <p><input type="checkbox"/> 5 to 10</p> <p><input type="checkbox"/> 10 to 20</p> <p><input type="checkbox"/> >20</p> <p>2 Transport activity sector: general description of the nature of the transport activities to be undertaken (information)</p> <p><input type="checkbox"/> medical use</p> <p><input type="checkbox"/> industrial use, non-destructive testing use, research</p> <p><input type="checkbox"/> nuclear fuel cycle use</p> <p><input type="checkbox"/> waste</p> <p><input type="checkbox"/> high consequence dangerous goods — radioactive material</p>

Wednesday 11 December 2013

3. GEOGRAPHICAL COVERAGE

Please tick in the list below those Member States in which radioactive material is planned to be transported and select the nature of the activity

<p>If activities are also deployed in Member States other than the Member State where the application for registration is made, please provide more specific details for every country, i.e. transit only, or major loading/unloading places within the particular country, frequency:</p>	
PART A	PART B
<input type="checkbox"/> Austria <input type="checkbox"/> Belgium <input type="checkbox"/> Bulgaria <input type="checkbox"/> Cyprus <input type="checkbox"/> Czech Republic <input type="checkbox"/> Denmark <input type="checkbox"/> Estonia <input type="checkbox"/> Finland <input type="checkbox"/> France <input type="checkbox"/> Germany <input type="checkbox"/> Greece <input type="checkbox"/> Hungary <input type="checkbox"/> Ireland <input type="checkbox"/> Italy <input type="checkbox"/> Latvia <input type="checkbox"/> Lithuania <input type="checkbox"/> Luxembourg <input type="checkbox"/> Malta <input type="checkbox"/> Netherlands <input type="checkbox"/> Poland <input type="checkbox"/> Portugal <input type="checkbox"/> Romania <input type="checkbox"/> Slovakia <input type="checkbox"/> Slovenia <input type="checkbox"/> Spain <input type="checkbox"/> Sweden <input type="checkbox"/> United Kingdom	<input type="checkbox"/> transit <input type="checkbox"/> unloading <input type="checkbox"/> loading major loading places: major unloading places: frequency: <input type="checkbox"/> daily <input type="checkbox"/> weekly <input type="checkbox"/> monthly <input type="checkbox"/> less frequent

Wednesday 11 December 2013

4. TYPE OF CONSIGNMENTS

Registration is requested for:

PART A PACKAGE TYPE — Classification following TS-R-1	PART B: Estimated number of packages/year
UN 2908 RADIOACTIVE MATERIAL, EXCEPTED PACKAGE — EMPTY PACKAGING	
UN 2909 RADIOACTIVE MATERIAL, EXCEPTED PACKAGE — ARTICLES MANUFACTURED FROM NATURAL URANIUM or DEPLETED URANIUM or NATURAL THORIUM	
UN 2910 RADIOACTIVE MATERIAL, EXCEPTED PACKAGE — LIMITED QUANTITY OF MATERIAL	
UN 2911 RADIOACTIVE MATERIAL, EXCEPTED PACKAGE — INSTRUMENTS or ARTICLES	
UN 2912 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-I), non-fissile or fissile excepted	
UN 2913 RADIOACTIVE MATERIAL, SURFACE CONTAMINATED OBJECTS (SCO-I or SCO-II), non-fissile or fissile excepted	
UN 2915 RADIOACTIVE MATERIAL, TYPE A PACKAGE, non-special form, non-fissile or fissile excepted	
UN 2916 RADIOACTIVE MATERIAL, TYPE B(U) PACKAGE, non-fissile or fissile excepted	
UN 2917 RADIOACTIVE MATERIAL, TYPE B(M) PACKAGE, non-fissile or fissile excepted	
UN 2919 RADIOACTIVE MATERIAL, TRANSPORTED UNDER SPECIAL ARRANGEMENT, non-fissile or fissile excepted	
UN 2977 RADIOACTIVE MATERIAL, URANIUM HEXAFLUORIDE, FISSILE	
UN 2978 RADIOACTIVE MATERIAL, URANIUM HEXAFLUORIDE, non-fissile or fissile excepted	
UN 3321 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-II), non-fissile or fissile excepted	
UN 3322 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-III), non-fissile or fissile excepted	
UN 3323 RADIOACTIVE MATERIAL, TYPE C PACKAGE, non-fissile or fissile excepted	
UN 3324 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-II), FISSILE	
UN 3325 RADIOACTIVE MATERIAL, LOW SPECIFIC ACTIVITY (LSA-III), FISSILE	
UN 3326 RADIOACTIVE MATERIAL, SURFACE CONTAMINATED OBJECTS (SCO-I or SCO-II), FISSILE	

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PART A PACKAGE TYPE — Classification following TS-R-1	PART B: Estimated number of packages/year
UN 3327 RADIOACTIVE MATERIAL, TYPE A PACKAGE, FISSILE, non-special form UN 3328 RADIOACTIVE MATERIAL, TYPE B(U) PACKAGE, FISSILE UN 3329 RADIOACTIVE MATERIAL, TYPE B(M) PACKAGE, FISSILE UN 3330 RADIOACTIVE MATERIAL, TYPE C PACKAGE, FISSILE UN 3331 RADIOACTIVE MATERIAL, TRANSPORTED UNDER SPECIAL ARRANGEMENT, FISSILE UN 3332 RADIOACTIVE MATERIAL, TYPE A PACKAGE, SPECIAL FORM, non-fissile or fissile excepted UN 3333 RADIOACTIVE MATERIAL, TYPE A PACKAGE, SPECIAL FORM, FISSILE	

5. RADIATION PROTECTION PROGRAMME (RPP)

PART A: <input type="checkbox"/> By ticking this box: I declare that we have an RPP that is fully implemented and strictly applied	PART B: reference and date of the document describing the RPP Upload of the RPP
--	---

6. QUALITY ASSURANCE PROGRAMME (QAP)

This QAP must be available for inspection by the competent authority (in accordance Article 1(7)(3) of the ADR)

PART A: <input type="checkbox"/> By ticking this box: I declare that we have a QAP that is fully implemented and strictly applied	PART B: Reference and date of the document
---	---

7. Declaration

- I, the carrier, hereby certify that I comply with all the relevant international, Community and national regulations relating to the transport of radioactive materials.
- I, the carrier, hereby certify that the information contained in this form is correct.

Date

Name

Signature

Wednesday 11 December 2013

ANNEX IIELECTRONIC CERTIFICATE OF CARRIER REGISTRATION FOR THE TRANSPORT OF RADIOACTIVE MATERIAL

NOTE:

A COPY OF THIS CERTIFICATE OF REGISTRATION SHALL ACCOMPANY EACH TRANSPORT FALLING UNDER THE SCOPE OF THIS REGULATION.

This certificate of registration is issued in compliance with Council Regulation (Euratom) xxxxx

This certificate does not relieve the carrier from compliance with the other applicable transport regulations.

1) REGISTRATION REFERENCE NUMBER: BE/xxxx/dd-mm-yyyy

2) NAME OF THE AUTHORITY/COUNTRY:

3) COMPANY NAME & ADDRESS

4) MODE OF TRANSPORT:

ROAD

RAIL

INLAND WATERWAYS

7) MEMBER STATES where the certificate is applicable

8) PACKAGE TYPE — UN NUMBER (*see annex 1- same format*)

9) DATE

ELECTRONIC SIGNATURE

VALIDITY PERIOD: DATE + 5 years

Thursday 12 December 2013

P7_TA(2013)0581

Court of Justice of the European Union: number of judges at the General Court ***I

Amendments adopted by the European Parliament on 12 December 2013 on the draft regulation of the European Parliament and of the Council amending the Protocol on the Statute of the Court of Justice of the European Union by increasing the number of Judges at the General Court (02074/2011 — C7-0126/2012 — 2011/0901B(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 468/76)

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the draft by the Court of Justice

Regulation of the European Parliament and of the Council amending the *Protocol on the Statute of the Court of Justice of the European Union* **by increasing the number of Judges at the General Court**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular the second subparagraph of Article 19(2) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 254 and the second paragraph of Article 281 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Having regard to the request of the Court of Justice,

Having regard to the opinion of the Commission,

Acting in accordance with the ordinary legislative procedure,

Whereas:

■

- (5) As a consequence of the progressive expansion of its jurisdiction since its creation, the number of cases before the General Court is now constantly increasing.
- (6) The number of cases brought before the General Court **has been steadily increasing over the years**, resulting **over time** in **an** increase in the number of cases pending before that court and an increase in the duration of proceedings.
- (7) That increase in the duration of proceedings does not appear to be acceptable from the point of view of litigants, particularly in the light of the requirements set out in Article 47 of the Charter of Fundamental Rights of the European Union and in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- (8) The situation in which the General Court finds itself has structural causes relating to the increase in the number and variety of legislative and regulatory acts of the institutions, bodies, offices and agencies of the European Union, as well as to the volume and complexity of the cases brought before the General Court, particularly in the areas of competition and State aid.

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0252/2013).

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

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- (9) Consequently, the necessary measures should be taken to address this situation, and the possibility, provided for by the Treaties, of increasing the number of Judges of the General Court is such as to enable both the volume of pending cases and the excessive duration of proceedings before the General Court to be reduced within a short time.
- (9a) *Those measures should also provide a permanent solution to the question of judges' Member States of origin, since the current arrangement, under which judges are appointed per Member State, cannot apply where there are more judges than Member States.*
- (9b) *Pursuant to Article 19(2) of the Treaty on European Union, the General Court includes at least one judge per Member State. As that already ensures an appropriate geographical balance and representation of national legal systems, additional judges should be appointed exclusively on the basis of their professional and personal suitability, taking into account their knowledge of the legal systems of the European Union and of the Member States. However, there should be no more than two Judges for any Member State,*

HAVE ADOPTED THIS REGULATION:

Article 1

Protocol No 3 on the Statute of the Court of Justice of the European Union is amended as follows:

- (6a) *In Article 47, the first paragraph is replaced by the following:*

'Article 9a, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.'

- (7) *Article 48 is replaced by the following:*

'In the General Court, there shall be one Judge per Member State and 12 additional Judges. There shall be no more than two Judges for any Member State.

All Judges shall have the same status and the same rights and obligations.

When, every three years, the Judges are partially replaced, one half of them shall be replaced, alternately, if there is an even number of Judges; and, on an alternating basis, if there is an uneven number of Judges, an even number of Judges and an uneven number of Judges, i.e. that number minus one, shall be replaced.'

- (7a) *The following Article is inserted:*

'Article 48a

In respect of the Judges to be appointed per Member State, the right of nomination shall lie with the government of the Member State in question.'

- (7b) *The following Article is inserted:*

'Article 48b

1. The additional Judges shall be appointed regardless of nominees' Member States of origin.

2. During a procedure to appoint one or more of the 12 additional Judges, all Member State governments may submit nominations. Furthermore, Judges retiring from the General Court may nominate themselves in a written submission to the chair of the panel referred to in Article 255 of the Treaty on the Functioning of the European Union.

Thursday 12 December 2013

3. *During a procedure to appoint one or more of the 12 additional Judges, the panel referred to in Article 255 of the Treaty on the Functioning of the European Union shall give an opinion on nominees' suitability to perform the duties of Judge of the General Court. The panel shall append to its opinion on candidates' suitability a list of candidates having the most suitable high-level experience, by order of merit. That list shall contain the names of at least twice as many nominees as there are Judges to be appointed by common accord of the governments of the Member States, provided that there is a sufficient number of suitable nominees.'*

Article 3

1. **This Regulation** shall enter into force on the first *day of the month* following *that of its* publication in the *Official Journal of the European Union*.
2. **The 12 additional Judges appointed on the basis, and following the entry into force, of this Regulation shall take up their duties immediately once they have taken the oath.**

The term of office of six of them, chosen by lot, shall end six years after the first partial replacement of the General Court following the entry into force of this Regulation. The term of the other six judges shall end six years after the second partial replacement of the General Court following the entry into force of this Regulation.

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

Thursday 12 December 2013

P7_TA(2013)0582

Amending certain Directives as regards the French outermost regions and Mayotte in particular ***European Parliament legislative resolution of 12 December 2013 on the proposal for a Council directive amending Directives 2006/112/EC and 2008/118/EC as regards the French outermost regions and Mayotte in particular (COM(2013)0577 — C7-0268/2013 — 2013/0280(CNS))****(Special legislative procedure — consultation)**

(2016/C 468/77)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0577),
 - having regard to Article 113 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0268/2013),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 55, 46(1) and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0405/2013),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
-

Thursday 12 December 2013

P7_TA(2013)0583

Amending Council Directive 2010/18/EU by reason of the change of status of Mayotte *

European Parliament legislative resolution of 12 December 2013 on the draft Council directive amending Council Directive 2010/18/EU because of the change of status of Mayotte (14220/2013 — C7-0355/2013–2013/0189(NLE))

(Special legislative procedure — consultation)

(2016/C 468/78)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2013)0413) and the Council draft (14220/2013),
 - having regard to Article 349 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C7-0355/2013),
 - having regard to Article 155(2) of the Treaty on the Functioning of the European Union, that is the legal basis chosen by the Commission for its proposal,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs (A7-0414/2013),
1. Approves the Council draft as amended;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend its draft;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Draft directive

Title

Council draft

Proposal for a COUNCIL **DIRECTIVE** amending Council Directive 2010/18/EU because of the change of status of Mayotte

Amendment

Proposal for a COUNCIL **DECISION** amending Council Directive 2010/18/EU because of the change of status of Mayotte

Thursday 12 December 2013

Amendment 2**Draft directive****Citation 1***Council draft*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 349 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article **155(2) and Article** 349 thereof,

Amendment 4**Draft directive****Recital 1***Council draft*

(1) By Decision 2012/419/EU⁽¹⁾, the European Council decided to amend the status of Mayotte with regard to the European Union with effect from 1 January 2014. Therefore, from that date, Mayotte will cease to be an overseas territory and will become an outermost region of the Union within the meaning of Articles 349 and 355 (1) of the Treaty on the Functioning of the EU. Following this change in legal status of Mayotte, Union law will apply to Mayotte from 1 January 2014. Certain specific measures, justified by the particular structural social and economic situation of Mayotte as a new outermost region, **on the special conditions of application of Union law** should, however, be established.

⁽¹⁾ OJ L 204, 31.7.2012, p. 131.

Amendment

(1) By Decision 2012/419/EU⁽¹⁾, the European Council decided to amend the status of Mayotte with regard to the European Union with effect from 1 January 2014. Therefore, from that date, Mayotte will cease to be an overseas territory and will become an outermost region of the Union within the meaning of Articles 349 and 355 (1) of the Treaty on the Functioning of the EU. Following this change in legal status of Mayotte, Union law will apply to Mayotte from 1 January 2014. Certain specific measures, justified by the particular structural social and economic situation of Mayotte as a new outermost region, should however, be established.

⁽¹⁾ OJ L 204, 31.7.2012, p. 131.

Amendment 5**Draft directive****Solemn form***Council draft*

HAS ADOPTED THIS **DIRECTIVE**

Amendment

HAS ADOPTED THIS **DECISION**

Thursday 12 December 2013

Amendment 6

Draft directive

Article 1

Directive 2010/18/EU

Article 3 — paragraph 2 — subparagraph 2

Council draft

In Article 3(2) of Directive 2010¹/18/EU, the following subparagraph is added:

'By way of derogation from the first subparagraph, for Mayotte as an outermost region in the meaning of Article 349 TFEU, the additional period referred to therein shall be extended until 31 December 2018.'

Amendment

In Article 3(2) of Directive 2010/18/EU, the following subparagraph is added:

'For the French outermost region of Mayotte, the additional period referred to in the first subparagraph shall be extended to 31 December 2018.'

Amendment 7

Draft directive

Article 2

Council draft

This **Directive** is addressed to the French Republic.

Amendment

This **Decision** is addressed to the French Republic.

Amendment 8

Draft directive

Article 3

Council draft

This **Directive** shall enter into force on 1 January 2014.

Amendment

This **Decision** shall enter into force on 1 January 2014.

Thursday 12 December 2013

P7_TA(2013)0585

Amendment of certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures *II**

European Parliament legislative resolution of 12 December 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (13283/1/2013 — C7-0411/2013 — 2011/0039(COD))

(Ordinary legislative procedure: second reading)

(2016/C 468/79)

The European Parliament,

- having regard to the Council position at first reading (13283/1/2013 — C7-0411/2013),
 - having regard to its position at first reading⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2011)0082),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on International Trade (A7-0421/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Member States' statement and the Commission statements annexed to this resolution;
 4. Notes that the act is adopted in accordance with the Council position;
 5. 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;
 6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*, together with all the statements annexed to this resolution;
 7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint Statement regarding Article 15(6) of Regulation (EC) No 1225/2009 and Article 25(6) of Regulation (EC) No 597/2009

The European Parliament, the Council and the Commission consider that the inclusion of Article 15(6) of Regulation (EC) No 1225/2009 and Article 25(6) of Regulation (EC) No 597/2009 is justified exclusively on the basis of the specific characteristics of those Regulations before their amendment by this Regulation. As a consequence, the inclusion of a provision, such as those Articles, is exceptional to those two Regulations and is not a precedent for the drafting of future legislation.

⁽¹⁾ OJ C 251 E, 31.8.2013, p. 126.

Thursday 12 December 2013

For the sake of clarity, the European Parliament, the Council and the Commission understand that Article 15(6) of Regulation (EC) No 1225/2009 and Article 25(6) of Regulation (EC) No 597/2009 do not introduce decision-making procedures different from or additional to those provided for in Regulation (EU) No 182/2011.

Member States' statement on the application of Articles 3(4) and 6(2) of Regulation (EU) No 182/2011 in connection with anti-dumping and countervailing duty proceedings pursuant to Regulations (EC) No 1225/2009 and (EC) No 597/2009

Where a Member State suggests an amendment with respect to either anti-dumping or countervailing duty draft measures provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009 (the 'Basic Regulations'), in accordance with Article 3(4) or Article 6(2) of Regulation (EU) No 182/2011 it will:

- (a) ensure that the amendment is proposed in a timely manner, which respects the deadlines in the Basic Regulations and reflects the necessity for the Commission to be given sufficient time to undertake any necessary disclosure procedure, properly scrutinise the proposal, and for the Committee to examine any amended draft measure proposed;
- (b) ensure that the proposed amendment is consistent with the Basic Regulations as interpreted by the Court of Justice of the European Union and with relevant international obligations;
- (c) provide written justification which will, as a minimum, indicate how the suggested amendment relates to the Basic Regulations and to the facts established in the investigation, but may also contain such other supporting arguments as the Member State proposing the amendment considers appropriate.

Commission statement

in connection with anti-dumping and countervailing duty proceedings pursuant to Regulations (EC) No 1225/2009 and (EC) No 597/2009

The Commission recognises the importance of Member States receiving information where provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009 (the 'Basic Regulations') such as to enable them to contribute to fully informed decisions, and it will act to achieve that objective.

* * *

For the avoidance of doubt, the Commission understands the reference to consultations in Article 8(5) of Regulation (EU) No 182/2011 as requiring the Commission, except in cases of extreme urgency, to seek the views of the Member States before adopting provisional anti-dumping or countervailing duties.

* * *

The Commission will ensure that it effectively manages all aspects of anti-dumping and countervailing duty procedures provided for in Regulations (EC) No 1225/2009 and (EC) No 597/2009, including the possibility of Member States to suggest amendments, in order to ensure that the time periods laid down in, and the obligations towards interested parties created by, the Basic Regulations are respected and that any measures finally imposed are consistent with the facts established by the investigation and the Basic Regulations as interpreted by the Court of Justice of the European Union and in line with the international obligations of the Union.

Thursday 12 December 2013

Commission Statement on codification

The adoption of Regulation (EU) No 37/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No 38/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once those two Regulations are adopted, and at the latest by 1 June 2014.

Commission Statement on delegated acts

In the context of Regulation (EU) No 37/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No 38/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures, the Commission recalls the commitment it has made in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

Thursday 12 December 2013

P7_TA(2013)0586

Amendment of certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures *II**

European Parliament legislative resolution of 12 December 2013 on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures (13284/1/2013 — C7-0408/2013 — 2011/0153(COD))

(Ordinary legislative procedure: second reading)

(2016/C 468/80)

The European Parliament,

- having regard to the Council position at first reading (13284/1/2013 — C7-0408/2013),
 - having regard to its position at first reading⁽¹⁾ on the Commission proposal to Parliament and the Council (COM(2011)0349),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on International Trade (A7-0419/2013),
1. Approves the Council position at first reading;
 2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
 3. Takes note of the Commission statements annexed to this resolution;
 4. Notes that the act is adopted in accordance with the Council position;
 5. 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;
 6. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*, together with all the statements annexed to this resolution;
 7. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement on Regulation (EEC) No 3030/93 and Regulation (EC) No 517/94

It is noted that that the procedures provided for in Article 2(6), Article 6(2), Articles 8 and 10, Article 13(3), Article 15(3), (4) and (5) and Article 19 of Regulation (EEC) No 3030/93, Article 4(3) of Annex IV to Regulation (EEC) No 3030/93, and Article 2, Article 3(1) and (3) of Annex VII to Regulation (EEC) No 3030/93, and Article 3(3), Article 5(2), Article 12(3) and Articles 13 and 28 of Regulation (EC) No 517/94, are converted into procedures for the adoption of delegated acts. It is noted that some of those Articles refer to decision-making procedures for the adoption of safeguard measures in the field of trade defence.

⁽¹⁾ Texts adopted of 22.11.2012, P7_TA(2012)0447.

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The European Parliament, the Council and the Commission consider that safeguard measures are to be treated as implementing measures. Exceptionally, in the specific existing Regulations referred to above, the measures take the form of delegated acts as the introduction of a safeguard measure takes the form of an amendment to the relevant annexes to the Basic Regulations. This derives from the particular structure which is specific to the existing Regulations referred to above and, as a consequence, will not be used as a precedent for the drafting of future trade defence instruments and other safeguard measures.

Commission statement on codification

The adoption of Regulation (EU) No 37/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No 38/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once those two Regulations are adopted, and at the latest by 1 June 2014.

Commission statement on delegated acts

In the context of Regulation (EU) No 37/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures and Regulation (EU) No 38/2014 of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated and implementing powers for the adoption of certain measures, the Commission recalls the commitment it has made in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts.

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P7_TA(2013)0587

Payment accounts ***I

Amendments adopted by the European Parliament on 12 December 2013 on the proposal for a directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (COM(2013)0266 — C7-0125/2013 — 2013/0139(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 468/81)

[Amendment No 1 unless otherwise stated]

AMENDMENTS BY THE EUROPEAN PARLIAMENT (*)

to the Commission proposal

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the proposal for a directive of the European Parliament and of the Council on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features

(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) In accordance with Article 26(2) TFEU the internal market is to comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. Fragmentation of the internal market is detrimental to competitiveness, growth and job creation within the Union. Eliminating direct and indirect obstacles to the proper functioning of the internal market is essential for its completion. *Union* action with respect to the internal market in the retail financial services sector has already substantially contributed to developing cross-border activity of payment service providers, improving consumer choice and increasing the quality and transparency of the offers.
- (2) In this respect, Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market amending Directives 97/7/EC, 2002/65/EC, 2005/60/EC, and 2006/48/EC and repealing Directive 97/5/EC ⁽²⁾ ('Payment Services Directive') [...] established basic transparency requirements for fees charged by payment service providers in relation to services offered on payment accounts. This has

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0398/2013).

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

⁽¹⁾ Not yet published in OJ.

⁽²⁾ OJ L 319, 5.12.2007, p. 1.

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substantially facilitated the activity of payment service providers, creating uniform rules with respect to the provision of payment services and the information to be provided, reduced the administrative burden and generated cost savings for payment service providers.

- (2a) ***The smooth functioning of the internal market and the development of a modern, socially inclusive economy increasingly depends on the universal provision of payment services. Given that payment service providers, acting in accordance with market logic, tend to focus on commercially attractive consumers and effectively leave vulnerable consumers without the same choice of products, new legislation in this regard must be part of a smart economic strategy for the Union.***
- (3) However, ***as indicated by the European Parliament in its resolution of 4 July 2012 with recommendations to the Commission on Access to Basic Banking Services***⁽¹⁾, more ***must*** be done to improve and develop the *internal market* for retail banking. ***Such developments should go hand in hand with making the financial sector in the Union serve businesses and consumers. Currently***, the lack of transparency and comparability of fees as well as the difficulties in switching payment accounts still pose barriers to the deployment of a fully integrated market. ***The problem of divergent product quality and low competition in retail banking must be tackled and high-quality standards must be achieved.***
- (4) The current conditions of the *internal market* may deter payments services providers from exercising their freedom to establish or to provide services within the Union because of the difficulty in attracting customers when entering a new market. Entering new markets often entails large investments. Such investments are only justified if the provider foresees sufficient opportunities and a corresponding demand from consumers. The low level of mobility of consumers with respect to retail financial services is to a large extent due to the lack of transparency and comparability as regards the fees and services on offer, as well as difficulties in relation to the switching of payment accounts. These factors also stifle demand. This is particularly true in the cross-border context.
- (5) Moreover, significant barriers to the completion of the *internal market* in the area of payment accounts may be created by the fragmentation of existing national regulatory frameworks. Existing provisions at national level with respect to payment accounts, and particularly with respect to the comparability of fees and payment account switching diverge. For switching, the lack of uniform binding measures at *Union* level has led to divergent practices and measures at national level. These differences are even more marked in the area of comparability of fees, where no measures, even of a self-regulatory nature, exist at *Union* level. Should these differences become more significant in the future, as banks tend to tailor their practices to national markets, this would raise the cost of operating cross-border relative to the costs faced by domestic providers and therefore make the pursuit of business cross-border less attractive. Cross-border activity in the *internal market* is hampered by obstacles to consumers opening a payment account abroad. Existing restrictive eligibility criteria may prevent *Union* citizens from moving freely within the Union. Providing all consumers with access to a payment account will permit their participation in the *internal market* and allow them to obtain the benefits of the *internal market*.
- (6) Moreover, since some prospective customers do not open accounts, either because they are denied them or because they are not offered adequate products the potential demand for payment account services in the *Union* is currently not fully exploited. Wider consumer participation in the *internal market* would further incentivise payment service providers to enter new markets. Also, creating the conditions to allow all consumers to access a payment account is a necessary means to foster their participation in the *internal market* and to allow them to reap the benefits the *internal market* has brought about.

⁽¹⁾ ***Texts Adopted, P7_TA(2012)0293.***

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- (7) Transparency and comparability of fees have been addressed in a self-regulatory initiative, initiated by the banking industry. However, no final agreement was found on these guidelines. As regards switching, the common principles established in 2008 by the European Banking Industry Committee provide a model mechanism for switching between bank accounts offered by payment service providers located in the same Member State. However, given their non-binding nature, these *common* principles have been applied in an inconsistent manner throughout the *Union* and with ineffective results. Moreover, the Common Principles only address bank account switching at national level and do not address cross-border switching. Finally, as regards access to a basic payment account, [...] Commission Recommendation 2011/442/EU [...] ⁽¹⁾ invited Member States to take the necessary measures to ensure its application at the latest six months after its publication. To date, only few Member States comply with the main principles of the Recommendation.
- (8) ***In order to enable effective and smooth financial mobility in the long term***, it is vital to establish a uniform set of rules to tackle the issue of low customer mobility and in particular to improve comparison of payment account services and fees and to incentivise payment account switching as well as avoid that consumers who intend to purchase a payment account cross-border are discriminated on the basis of residency. Moreover, it is essential to adopt adequate measures to foster customers' participation in the payment accounts market. These measures will incentivize entry for payment service providers in the internal market and ensure a level playing field, thereby strengthening competition and the efficient allocation of resources within the *Union* financial retail market to the benefit of businesses and consumers. Also, transparent fee information and switching possibilities combined with the right of access to basic account services will allow *Union* citizens to move and shop around more easily within the *Union* and therefore benefit from a fully functioning internal market in the area of retail financial services and contribute ***the growth of e-commerce and to further development of the internal market***.
- (8a) ***It is also vital to ensure that this Directive does not hamper innovation in the area of retail financial services. Each year, new technologies become viable, which may render the current model of payment accounts out of date. In particular, mobile banking services, peer-to-peer services and stored value payment cards must be encouraged as alternatives to traditional banking services.***
- (9) This Directive applies to payment accounts held by consumers. Consequently, accounts held by businesses, even small or micro enterprises, unless held in a personal capacity, are outside its scope. Furthermore, this Directive does not cover savings accounts, which may have more limited payments functions. ***Also, this Directive does not cover credit cards, which are not central to achieving its objectives of enhancing financial inclusion and the functioning of the internal market.***
- (10) The definitions contained in the Directive are aligned with those contained in other Union legislation, and in particular those of Directive 2007/64/EC and those of Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 ⁽²⁾.
- (11) It is vital for consumers to be able to understand fees so that they can compare offers from different payment service providers and make informed decisions as to which account is most suitable for their needs. Comparison between fees cannot be achieved where payment service providers use different terminology for the same services and provide information in different formats. Standardised terminology, coupled with fee information for the most representative services ***linked to payment accounts*** in a consistent format, can help consumers to both understand and compare fees.

⁽¹⁾ OJ L 190, 21.7.2011, p. 87.

⁽²⁾ OJ L 94, 30.3.2012, p. 22.

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- (12) Consumers would benefit most from information that is **as concise as possible, standardised** and easy to compare between different payment service providers. The tools made available to consumers to compare payment account offers **should be multi-fold and consumer testing must be conducted. At this stage**, fee terminology should be standardised **only** for the most representative terms and definitions within Member States in order to **facilitate swift implementation**.
- (13) The fee terminology should be determined by national competent authorities, allowing for consideration of the specificities of local markets. Where possible, fee terminology should be standardised at *Union* level, thus allowing for comparison across the Union. The European Supervisory Authority (*European Banking Authority*) ('EBA') should establish guidelines to assist Member States to determine the services **which are most commonly used and cause the highest cost to consumers** at national level. **In order to achieve the effective application of standardised terminology, such definitions should be sufficiently broad.**
- (14) Once national competent authorities have determined a provisional list of the most representative services **linked to payment accounts** at national level together with terms and definitions, the Commission should review them to identify, by means of delegated acts, the services that are common to the majority of Member States and propose standardised *Union* level terms .
- (15) In order to help consumers compare payment account fees throughout the *internal* market easily, payment service providers should provide consumers with a **comprehensive fee information document that states the fees for all services linked to the payment account contained in the list of the most representative services and any further fees that can be applied to the account. The fee information document should use the standardised terms and definitions established at Union level, where possible.** This would also contribute towards establishing a level playing field between credit institutions competing in the payment account market. In order to help consumers understand the fees they have to pay for their payment account, a glossary providing **clear, non-technical and unambiguous** explanations for at least the services **linked to the payment account and the related definitions and explanations** should be made available to them. The glossary should serve as a useful tool to encourage a better understanding of the meaning of fees, contributing towards empowering consumers to choose from a wider choice of payment account offers. An obligation should also be introduced for payment service providers to inform consumers, **free of charge and at least annually**, of all **fees and the interest applied to** on their account. Ex-post information should be provided in a dedicated summary. It should provide a complete overview of **interest earned, fees incurred and pre-notifications of modifications to fees or interest rates. The consumer should be given the information necessary** to understand what fee expenditures **and interests** relate to, and to assess the need to either modify consumption patterns or move to another provider.
- (16) To meet the needs of consumers, it is necessary to ensure that fee information on payment accounts is accurate, clear and comparable. **EBA** should therefore, **after consulting national authorities and after consumer testing, develop draft implementing technical standards regarding a standardised presentation format** for the fee information document and the statement of fees **and the common symbols**, in order to ensure that they are understandable and comparable for consumers. The fee information document and statement of fees should be clearly distinguishable from other communications.
- (17) In order to ensure [...]consistent use of applicable *Union* level terminology across the Union, Member States should establish an obligation for payment service providers to use the applicable *Union* level terminology together with the remaining national standardised terminology identified in the provisional list when communicating with consumers, including in the fee information document and the statement of fees. **Payment service providers should be able to use brand names** in the fee information document **or the statement of fees to designate their services or payment accounts provided that this is additional to the standardised terminology and as a secondary designation of the services or account offered.**

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- (18) **Independent** comparison websites **are** an effective means for consumers to assess the merits of different payment account offers in a single space. **Such websites** can provide the right balance between the need for information to be clear and concise, yet complete and comprehensive, by enabling users to obtain more detailed information where this is of interest to them. They can also reduce search costs as consumers will not need to collect information separately from payment service providers. **It is crucial that the information given on such websites is trustworthy, impartial and transparent and that consumers are informed of their availability. In this regard, competent authorities should actively inform the public of such websites.**
- (19) In order to obtain impartial information on **fees charged and interest rates applied on payment accounts**, consumers should be able to access comparison websites which are **publicly accessible and** independent from payment service providers. Member States should therefore ensure that **consumers have free access to** at least one **independent and publicly accessible** website **in** their respective territories. Such comparison websites may be operated by, **or on behalf of, the** competent authorities, other public authorities and/or accredited private operators. **In order to increase consumer trust in further available comparison websites**, Member States should establish a voluntary accreditation scheme allowing private operators of comparison websites to apply for accreditation in accordance with specified quality criteria. A comparison website operated by, **or on behalf of,** a competent authority or other public authority should be established where a privately operated website has not been accredited. Such websites should also comply with the quality criteria.
- (20) It is current practice for payment service providers to offer a payment account in a package with other financial products or services. This practice can be a means for payment service providers to diversify their offer and to compete against each other, and in the end it can be beneficial for consumers. However the Commission study on tying practices in the financial sector conducted in 2009 as well as relevant consultations and consumer complaints have showed that payment service providers may offer bank accounts packaged with products not requested by consumers and which are not essential for payment accounts, such as household insurance. Moreover, it has been observed that these practices may reduce transparency and comparability of prices, limit purchasing options for consumers and negatively impact upon their mobility. Therefore, Member States should ensure that when payment service providers offer packaged payment accounts consumers are provided with information on **whether it is possible to buy the** payment account **separately and if so on** the applicable **cost and fees associated with each of the** other financial **products or** services included in the package. **█**
- (21) Consumers [...] *only have an incentive* to switch accounts if the process does not entail an excessive administrative and financial burden. The procedure for switching payment accounts to another payment service provider should be clear, quick **and safe**. **If fees are** charged by payment service providers in relation to the switching service, **they** should be **reasonable and in accordance with Article 45(2) of Directive 2007/64/EC**. In order to have a positive impact on competition, switching should also be facilitated at cross-border level. Given that switching cross-border could be more complex than the switching at national level and may require payment service providers to adapt and refine their internal procedures, **longer transitional periods should be provided with regard to a switching service between payment service providers located in different Member States.**
- (21a) **Member States should be allowed, with regard to switching where both payment service providers are located in their territory establish or maintain arrangements that differ from those provided for in this Directive if this is clearly in the interests of the consumer.**
- (22) The switching process should be as straightforward as possible for the consumer. Accordingly Member States should ensure that the receiving payment service provider is responsible for initiating and managing the process on behalf of the consumer.

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- (23) **As a general rule and provided that the consumer has provided consent**, the receiving payment service provider **should** perform, **on behalf of the consumer, the switch of** the recurring payments, as well as transfer **any** remaining **positive** balance, ideally within a single meeting with the receiving payment service provider. To this end, consumers should be able to sign one authorisation **to provide or withhold** consent to the mentioned tasks. Before giving the authorisation the consumer should be informed of all the steps of the procedure necessary to complete the switch.
- (24) The co-operation of the transferring payment service provider is necessary for the switch to be successful. The receiving payment service provider should be **able to ask either the consumer or, where necessary, the** transferring payment service provider **to provide** the information it considers necessary to reinstate the recurrent payments on the new payment account. However, such information should not exceed what is necessary to carry out the switch and the receiving payment service provider should not ask for superfluous information.
- (25) Consumers should not be subject to penalties or any other financial detriment caused by the misdirection of incoming credit transfers or direct debits. This is particularly important for certain categories of payer and payee, such as utilities companies, which use electronic means (e.g. databases) to store information on consumers' account details and perform numerous periodical transactions involving large numbers of consumers.
- (26) Member States should guarantee that consumers who intend to open a payment account are not discriminated against on the basis of their nationality or place of residence. While it is important for payment service providers to ensure that their customers are not using the financial system for illegal purposes such as fraud, money laundering or terrorism financing, they should not impose barriers to consumers who want to benefit from the advantages of the *internal* market by purchasing payment accounts cross-border.
- (27) Consumers who are legally resident in the Union should **not be discriminated against by reason of their nationality or place of residence, or on any other ground referred to in Article 21 of the Charter of Fundamental rights of the European Union when applying for, or accessing, a** payment account **within the Union. Furthermore, access to** payment accounts with basic features **should be ensured by Member States irrespective of the consumer's** financial circumstances, **such as their employment status, level of income, credit history** or personal bankruptcy.
- (28) Member States should ensure that **payment accounts with basic features as referred to in this Directive are offered to consumers by all** payment service providers **that operate in general retail payment services and offer payment accounts as an integral part of their regular business.** Access should not be overly difficult and should not entail excessive costs for consumers. **The right to access a payment account with basic features in any Member State should be granted in accordance with Directive 2005/60/EC of the European Parliament and of the Council ⁽¹⁾, in particular with regard to customer due diligence procedures. At the same time, the provisions of that Directive alone should not be used as a ground for rejecting commercially less attractive consumers. A mechanism should be in place to assist consumers with no fixed address asylum seekers and consumers who are not granted a residence permit but whose expulsion is impossible for legal reasons to meet the requirements of Chapter II of Directive 2005/60/EC.**
- (28a) **In order for users of payment accounts with basic features to be serviced in an appropriate way, Member States should require providers to ensure that relevant staff are adequately trained and that potential conflicts of interest do not affect those customers negatively.**

⁽¹⁾ Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (OJ L 309, 25.11.2005, p. 15).

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- (29) **Member States should be able to require that payment service providers verify whether the consumer already holds an active and equivalent payment account in the same territory and require the consumer to sign a declaration of honour to that effect. Payment services providers should not be able to refuse an application for access to a payment account with basic features except in the cases specifically identified in this Directive.**
- (29a) **Member States should ensure that payment service providers process applications within the deadlines laid down in this Directive and that in case of refusal the payment service providers inform the consumer of the specific reasons for it unless such disclosure would be contrary to the objectives of national security or financial crimes.**
- (30) Consumers should be guaranteed access to a range of basic payment services. **Member States should ensure that, provided that a payment account with basic features is operated by the consumer for personal use, there are no limits to the number of operations which will be provided to the consumer under the specific pricing rules laid down in this Directive. In determining what should be considered as personal use, Member States should take into account existing consumer behaviour and common commercial practice.** Services linked to basic payment accounts should include the facility to **place** and withdraw money. Consumers should be able to undertake essential payment transactions such as receiving income or benefits, paying bills or taxes and purchasing goods and services, including via direct debit, credit transfer and the use of a payment card. Such services should allow the purchase of goods and services online and should give consumers the opportunity to initiate payment orders via the payment service provider's online banking facility, where available. However, a payment account with basic features should not be restricted to online usage as this would create an obstacle for consumers without internet access. Consumers should not be given access to an overdraft facility with a payment account with basic features. However, Member States may allow payment services providers to offer **overdraft facilities and other credit products as clearly separated services to basic payment account customers, provided that the access to, or use of, the payment account with basic features is not restricted by, or made conditional on, the purchase of such credit services. Any fees charged for those services should be transparent and at least as favourable as the usual pricing policy of the provider.**
- (31) In order to ensure that basic payment accounts are available to the widest possible range of consumers, they should be offered free of charge or for a reasonable fee. **Member States should require payment service providers to ensure that the payment account with basic features is always the payment account with the lowest fee for the provision of the minimum package of payment services specified within the Member State.** Furthermore, any additional **fees charged** to the consumer for non-compliance with the terms laid down in the contract should be reasonable **and never higher than the usual pricing policy of the provider.**
- (32) The payment service provider should refuse to open or should terminate a contract for a payment account with basic features only in specific circumstances, **for example in the event of** non-compliance with the legislation on money laundering and terrorist financing or on the prevention and investigation of crimes. Even in these cases, a refusal can only be justified where the consumer does not comply with the provisions of that legislation and not because the procedure to check compliance with the legislation is too burdensome or costly.
- (33) **Member States should ensure that adequate measures are in place to raise awareness about the availability of payment accounts with basic features and the procedures and conditions for their use as laid down in this Directive. Member States should ensure that communication measures are sufficient and well-targeted in particular reaching out to unbanked, vulnerable and mobile consumers. Payment service providers should actively make available to consumers accessible information and adequate assistance about the specific features of the payment account with basic features on offer, their associated fees and the conditions of use and also the steps consumers should follow to exercise their right to open a payment account with basic features. In particular, consumers should be informed that the purchase of additional services is not compulsory in order to access a payment account with basic features. In order to minimise the risk that consumers become financially excluded,**

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Member States should improve financial education, including at school, and combat over-indebtedness. Furthermore, Member States should promote initiatives of payment service providers in order to facilitate the combination of providing payment accounts with basic features and independent financial education.

- (34) Member States should designate competent authorities that are empowered to ensure enforcement of this Directive and that are granted investigation and enforcement powers. Designated competent authorities **should be independent from payment service providers and should** have adequate resources for the performance of their duties. Member States should be able to designate different competent authorities in order to enforce the wide ranging obligations laid down in this Directive.
- (35) Consumers should have access to effective and efficient out-of-court **complaint and** redress procedures for the settlement of disputes arising out of rights and obligations established under this Directive. **Access to alternative dispute resolution procedures should be easy and the competent bodies should fulfil a number of criteria such as equal representation of providers and users.** Such access is already ensured by Directive 2013/.../EU insofar as relevant contractual disputes are concerned. However, consumers should also have access to out-of-court redress procedures in the event of -pre-contractual disputes concerning rights and obligations established by this Directive, e.g. when they are denied access to a payment account with basic features. Compliance with the provisions laid down in this Directive requires the processing of consumers' personal data. Such processing is governed by 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 ⁽¹⁾. This Directive should therefore comply with the rules established in Directive 95/46/EC and the national laws implementing them.
- (36) In order to attain the objectives *laid down* in this Directive, 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 identifying the standardised terminology at Union level for payment services common to a number of Member States and the related definitions for these terms
- I**
- (38) **On an annual basis, and for the first time** within three years from entry into force of this Directive, Member States should obtain reliable annual statistics on the functioning of the measures introduced by the present Directive. They should use any relevant sources of information and communicate that information to the Commission. **The Commission should provide an annual report on the basis of the information received.**
- (39) A review of this Directive should be carried out **four** years after its entry into force in order to take account of market developments, such as the emergence of new types of payment accounts and payment services, as well as developments in other areas of Union law and the experiences of Member States. The review should assess whether the measures introduced have improved consumer understanding of payment account fees, the comparability of payment accounts and the ease of switching accounts. It should also determine how many basic payment accounts have been opened including by previously unbanked consumers, **the periods for which such accounts are held, the number of refusals to open basic payment accounts and the number of closures of such accounts and the reasons for them, as well as the associated charges.** It should also assess whether extended deadlines for payment service providers performing cross-border switching are to be maintained for a longer period. Also, it should assess whether the provisions on the information to be provided by payment service providers when offering packaged products are sufficient or whether additional measures are needed. The Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative proposals.
- (40) This Directive respects fundamental rights and observes the principles recognised by the Charter of the Fundamental Rights of the European Union in accordance with Article 6(1) of the Treaty on European Union.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

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- (41) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a Directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,
- (41a) ***A Member State should be able to decide, subject to the approval of the Commission, to exempt payment service providers from offering a payment account with basic features. The Commission should approve the exemptions only where a level playing field among all payment service providers is guaranteed, the right of access for consumers is not undermined and basic account customers do not face the risk of stigmatisation. The approval shall not result in a situation where only a single payment service provider would offer this payment account with basic features in a Member State. [Am. 3]***

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

1. This Directive lays down rules concerning the transparency and comparability of fees charged to consumers on their payment accounts held within the European Union and provided by payment service providers located in the Union and rules concerning the switching of payment accounts within the Union.
 2. This Directive also defines a framework for the rules and conditions according to which Member States shall guarantee a right for consumers to open and use payment accounts with basic features in the Union.
 3. The opening and use of a payment account with basic features, pursuant to this Directive shall be in conformity with the provisions of Chapter II of Directive 2005/60/EC.
- 3a. *Without prejudice to Articles 15 to 19, a payment account with basic features shall be considered to be a payment account for the purposes of this Directive.***
4. This Directive shall apply to payment service providers located in the Union.

Article 2

Definitions

For the purposes of this Directive, the following definitions [...] apply:

- (a) 'consumer' means any natural person who is acting for purposes which are outside his trade, business, craft or profession;
- (aa) ***'legally resident' refers to the status of a citizen of the Union or third-country national who is legally residing in the territory of the Union, including persons seeking asylum under the Geneva Convention of 28 July 1951 relating to the status of the refugees, the Protocol of 31 January 1967 thereto and other relevant international treaties;***
- (b) 'payment account' means an account held in the name of one or more payment service users which is used for the execution of payment transactions;
- (c) 'payment service' means a payment service as defined in Article 4(3) of Directive 2007/64/EC;
- (ca) ***'services linked to the payment account' mean all services linked to the operation of a payment account, including payment services and payment transactions within the scope of point (g) of Article 3 of Directive 2007/64/EC;***

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- (d) 'payment transaction' means an act, initiated by the payer or by the payee, of placing, transferring or withdrawing funds, irrespective of any underlying obligations between the payer and the payee;
- (e) 'payment service provider' means a payment service provider as defined in Article 4(9) of Directive 2007/64/EC **save for the purposes of Chapter IV, where it means all payment service providers located in the territory of the Member States which operate in general retail payment services and that offer payment accounts as an integral part of their regular business;**
- (f) 'payment instrument' means a payment instrument as defined in Article 4(23) of Directive 2007/64/EC;
- (g) 'transferring payment service provider' means the payment service provider from which the information on all or some recurrent payments is transferred;
- (h) 'receiving payment service provider' means the payment service provider to which the information on all or some recurrent payments is transferred;
- (i) 'payer' means a natural or legal person who holds a payment account and allows a payment order from that payment account or, where there is no payer's payment account, a natural or legal person who makes a payment order to a payee's payment account;
- (j) 'payee' means a natural or legal person who is the intended recipient of funds which have been the subject of a payment transaction;
- (k) 'fees' means **all charges and penalties**, if any, payable by the consumer to the payment service provider for **or in relation to services linked** to the payment **account**;
- (ka) **'credit interest rate' means any interest rate paid to the consumer in relation to holding funds on a payment account;**
- (l) 'durable medium' means any instrument which enables the consumer or the payment services provider to store information addressed personally to *that consumer* in a way accessible for future reference for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored;
- (m) 'switching' means, upon a consumer's request, transferring from one payment service provider to another the information about all or some standing orders for credit transfers, recurring direct debits and recurring incoming credit transfers executed on a payment account, with or without transferring the positive account balance from one payment account to the other or closing the former account. **Switching does not imply the transfer of the contract from the transferring payment provider to the receiving payment service provider;**
- (n) 'direct debit' means a payment service debiting a payer's payment account, where a payment transaction is initiated by the payee with the payer's consent;
- (o) 'credit transfer' means a payment service for crediting a payee's payment account with a payment transaction or a series of payment transactions from a payer's payment account by the payment service provider which holds the payer's payment account, based on an instruction given by the payer;
- (p) 'standing order' means a service, crediting at regular intervals a payee's payment account with a series of payment transactions from a payer's payment account, executed by the payment service provider which holds the payer's payment account on the basis of an instruction given by the payer;
- (q) 'funds' means banknotes, coins and scriptural money as well as electronic money as defined in Article 2(2) of Directive 2009/110/EC;
- (r) 'framework contract' means payment service contract which governs the future execution of individual and successive payment transactions and which may contain the obligation and conditions for setting up a payment account;
- (ra) **'business day' means a business day as defined in Article 4(27) of Directive 2007/64/EC.**

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Article 3

Standardised terminology linked to payment accounts

1. Member States shall ensure that the competent authorities referred to in Article 20, determine a provisional list of **the most representative services linked to payment accounts at national level. The list shall cover at least the 10 most representative services available** at national level. **It shall** contain terms and definitions for each of the services identified, **whereby in any official language of the Member State only one term shall be used for each service.**
2. For the purposes of paragraph 1, the competent authorities shall have regard to the services *that*:
 - (a) are most commonly used by consumers in relation to their payment account;
 - (b) generate the highest cost for consumers, **both overall as well as per unit**;

In order to ensure the sound application of those criteria for the purposes of paragraph 1, EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities.

3. Member States shall notify to the Commission the provisional lists referred to in paragraph 1 by ... **[12 months after the date of entry into force of this Directive]. On request, Member States shall provide the Commission with complementary information concerning the data on the basis of which they have compiled those lists with regard to the criteria referred to in paragraph 2.**
4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 24, **■** setting out, on the basis of the provisional lists submitted pursuant to paragraph 3, of *Union* standardised terminology for **the services linked to payment accounts which** are common to at least a majority of Member States. The *Union* standardised terminology **shall be clear and concise and shall** include common terms and definitions for the common services. **In any official language for each Member State, only one term shall be used for each service.**
5. After [...] publication in the Official Journal of the European Union of the delegated acts referred to in paragraph 4, each Member State shall without delay **and in any event within one month** integrate the *Union* standardised terminology adopted pursuant to paragraph 4 into the provisional list referred to in paragraph 1 and shall publish this list.

Article 4

Fee information document and glossary

1. Member States shall ensure that **in good time** before entering into a contract for a payment account with a consumer, payment service providers provide the consumer with a **comprehensive** fee information document. **The fee information document shall state all available services linked to the payment account which are contained in** the list of the most representative services referred to in Article 3(5) and the corresponding fees for **any** service. **It shall also contain any further fees and interest rates that can be applied to the account. In order to distinguish the fee information document from commercial or contractual documentation, it shall include a common symbol at the top of the first page. Member States shall ensure that payment service providers inform consumers about any modifications of fees and make available to the consumer an updated fee information document, where appropriate.**

Where the fee for a service is valid only for certain communication channels, such as online or through a branch, or where the fee varies according to the channel used, this shall be clearly indicated in the fee information document.

1a. Member States shall ensure that payment service providers do not levy any fees not listed in the fee information document.

2. Where one or more payment services **■** is offered as part of a package of **payment** services, the fee information document shall disclose **the fee for the entire package**, the services included in the package **and their number**, and the fee for any service that is not **covered by the package fee. ■**

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5. Member States shall establish an obligation for payment service providers to **make available to consumers a glossary of all services referred to in paragraph 1 and the related definitions and explanations.**

Member States shall ensure that the glossary provided pursuant to the first subparagraph is drafted in clear, unambiguous and non-technical language and that it is not misleading.

6. The fee information document and the glossary shall be made **permanently** available to **consumers and prospective consumers** by payment service providers **in electronic form** on their websites **where it shall be easily accessible including to non-customers. The fee information document shall be made available** free of charge **by payment service providers** on a durable medium at premises accessible to consumers **and the glossary shall be made available in a durable medium on request.**

7. **EBA shall, after consulting national authorities and after consumer testing, develop draft implementing technical standards regarding a standardised presentation** format of the fee information document **and** its common symbol.

EBA shall submit those draft implementing technical standards to the Commission by ... [12 months after the date of entry into force of this Directive].

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 1093/2010.

Article 5

Statement of fees

1. Member States shall ensure that payment service providers provide **consumers, free of charge and at least annually,** with a statement **of all fees and the interest rates applied to** their payment account.

The communication channel to be used to provide the consumer with the statement of fees shall be agreed among the contracting parties. The statement shall be made available in paper format upon the request of a consumer.

2. The statement referred to in paragraph 1 shall specify the following information:

(a) the unit fee charged for each service **and** the number of times the service was used during the relevant period **or where services are combined in a package, the fee charged for the package as a whole;**

(b) the total amount of fees incurred for each service provided during the relevant period, **where appropriate taking into account the specific fee structures related to packages of services;**

(ba) **the overdraft interest rate applied to the account, the number of days the account was overdrawn and the total amount of interest charged relating to the overdraft during the relevant period;**

(bb) **the credit interest rate applied to the account, the average balance and the total amount of interest earned during the relevant period;**

(c) the total **balance (positive or negative) after deduction of all fees and application of the interest earned in connection with the use of the account** during the relevant period;

(ca) **pre-notifications regarding intended modifications of fees and interest rates in the following period.**

4. **EBA shall, after consulting national authorities and after consumer testing, develop implementing technical standards regarding a standardised presentation** format of the statement of fees **and** its common symbol.

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EBA shall submit those draft implementing technical standards to the Commission by ... [12 months after the date of entry into force of this Directive].

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 1093/2010.

Article 6

Communications using standardised terminology

1. Member States shall ensure that in **all communications to consumers, including** contractual and **marketing communications**, payment service providers use, where **applicable, the standardised terminology** contained in the list of the most representative services **linked to a payment account referred** to in Article 3(5).
2. Payment service providers may use brand names **to designate their services or payment accounts** in their **marketing communications to clients, provided** that they **clearly** identify, where **applicable**, the corresponding term **using the standardised terminology as integrated** in the **complete** list referred to in Article 3(5). Payment service providers **may use such** brand names in the fee information document **or** the statement of fees **provided that this is in addition to the standardised terminology and as a secondary designation of the services or account offered.**

Article 7

Comparison websites at national level

1. Member States shall ensure that consumers have access, **free of charge**, to at least one website **established in accordance with paragraph 2 or 3, which shall include at least the following:**
 - (a) **comparison of interest paid or charged to the payment account**, fees charged by payment service providers for services offered on payment accounts at national level **■**;
 - (b) **comparison of determinants of the level of service provided by the payment service provider, including factors such as the number and location of branches and the number of automated teller machines through which services can be assessed;**
 - (c) **provision of complementary information on Union standardised terminology, access to payment accounts including to payment accounts with basic features and on switching procedures available at Union and national level. Such information may be provided via links to external websites.**
2. Member States shall establish a voluntary accreditation scheme for websites comparing **the elements for comparison as described in Article 7(1)(a) and (b)** offered on payment accounts operated by private operators. In order to be granted accreditation, comparison websites operated by private operators shall:
 - (a) be **legally, financially and** operationally independent of any payment service provider;
 - (aa) **clearly disclose their owners and funding;**
 - (ab) **set out clear, objective criteria on which the comparison will be based;**
 - (ac) **be impartial insofar as advertisements from payment service providers, their agents, affiliates or brands shall not be displayed on the home page or on the price comparison pages;**
 - (b) use plain **and unambiguous** language and, **as applicable, the Union standardised terminology** referred to in Article 3(5);
 - (c) provide **accurate and updated** information **and state the time of the last update;**
 - (d) provide **users with objective and exhaustive results taking full account of any search criteria selected by users and, where the presented information is not a complete overview of the market, a clear statement to that effect, before displaying results;**

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(da) *accept requests for inclusion in the site by any payment service provider in the Member State concerned;*

(e) operate an effective enquiry and complaints handling procedure.

Where payment service providers are charged for listing on such sites, the charges shall be non-discriminatory and published on the website.

3. Where no website is accredited pursuant to paragraph 2, Member States shall ensure that a website operated by, **or on behalf of**, the competent authority referred to in Article 20 or any other competent public authority is established. Where a website has been accredited pursuant to paragraph 2, Member States may decide to establish an additional website operated by the competent authority referred to in Article 20 or any other competent public authority. Websites operated by a competent authority pursuant to paragraph 1 shall comply with paragraph 2 (a) to (e).

4. Member States shall **■** refuse or withdraw accreditation from private operators in the event of **recurrent or persistent** failure to comply with the obligations in paragraph 2.

4a. Payments services providers shall not be liable for incorrect or outdated information regarding them or their services, contained on accredited or non-accredited comparison website, where the website provider has not corrected such information on the request of the payment service provider.

4b. Member States shall ensure that consumers are informed about the availability of websites referred to in paragraph 1 and about accredited websites in accordance with paragraph 2 or 3.

■

Article 7a

Union comparison website

1. **Member States shall notify EBA of the comparison websites operating in accordance with Article 7(1), (2) and (3).**

2. **By ... [three years after the date of entry into force of this Directive], EBA shall provide a publicly accessible Union comparison website that enables consumers to compare payment accounts offered within the internal market. In order to complement that information, the Union comparison website shall provide to consumers a glossary containing the Union standardised terminology adopted in accordance with Article 3(5) and practical guidelines about cross-border switching of payment accounts.**

Article 8

Packaged accounts

Without prejudice to Article 4(2) Member States shall ensure that when a payment account is offered together with another **financial** service or product as part of a package the payment service provider informs the consumer of whether it is possible to buy the payment account separately and, **if so**, provides separate information regarding the costs and fees associated with each of the **other financial** products and services offered in the package.

■

CHAPTER III

SWITCHING

Article 9

Provision of the switching service

Member States shall ensure that payment service providers provide a switching service as described in Article 10 to any consumer who holds a payment account with **another** payment service provider located in the Union **and who has arranged for the opening of a new payment account with the receiving payment service provider.**

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Member States may, with regard to switching where both payment service providers are located in their territory, establish or maintain arrangements that differ from those outlined in Article 10 if this is clearly in the interest of the consumer and the switching is completed within as a maximum the same overall timescales as described in Article 10.

Article 10

The switching service

1. Member States shall ensure that the switching service is initiated by the receiving payment service provider and provided in accordance with the rules *laid down* in paragraphs 2 to 7.

2. The switching service shall be initiated by the receiving payment service provider. **In order to do so**, the receiving payment service provider shall **obtain** written authorisation from the consumer to perform the switching service. **In the case of joint accounts, written authorisation shall be obtained from all holders of the account.**

The authorisation shall be drawn up in an official language of the Member State where the switching service is being initiated or in any other language agreed between the parties.

The authorisation shall allow the consumer to provide **or withhold** specific consent to the transferring payment service provider to perform each of the tasks indicated in *paragraph 3(e) and [...] (f)* and to provide **or withhold** specific consent to the receiving payment service provider to perform each of the tasks indicated in *paragraph 4(c) and (d) and paragraph 5*. The authorisation shall allow the consumer to specifically request the transmission by the transferring payment service provider of the information indicated in *paragraph 3(a) and [...] (b)*.

The authorisation shall also specify the date from which recurrent payments are to be operated from the account opened with the receiving payment service provider. **That date shall be at least seven business days after the date on which the transferring payment service provider receives the request to perform the switch from the receiving payment service provider pursuant to Article 10(6).**

3. Within **two** business **days** from the receipt of the *authorisation* referred to in paragraph 2, the receiving payment service provider shall request the transferring payment service provider to carry out the following tasks:

- (a) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer a list of all existing standing orders for credit transfers and debtor driven direct debit mandates, **where available**;
- (b) transmit to the receiving payment service provider and, if specifically requested by the consumer pursuant to paragraph 2, to the consumer the available information about incoming credit transfers and creditor driven direct debits executed on the consumer's account in the previous 13 months;
- (c) transmit to the receiving payment service provider **such** additional information **as is** necessary **for** the receiving payment service provider to perform the switch;
- (d) where the transferring payment service provider does not provide a system for automated redirection of the **incoming credit transfers** and direct debits to the account held by the consumer with the receiving payment service provider, **stop accepting direct debits and incoming credit transfers from** the date specified in the authorisation;
- (e) where the consumer gave specific consent pursuant to paragraph 2, transfer any remaining positive balance to the account opened or held with the receiving payment service provider on the date specified by the consumer; **stop accepting direct debits and incoming credit transfers from** the date specified by the consumer;
- (f) where the consumer gave specific consent pursuant to paragraph 2, close the account held with the transferring payment service provider on the date specified by the consumer;

(fa) cancel standing orders and credit transfers with an execution date from the date specified in the authorisation.

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4. Upon receipt of the information requested from the transferring payment service provider referred to in paragraph 3, the receiving payment service provider shall carry out the following tasks:

- (a) set up within seven **business** days the standing orders for credit transfers requested by the consumer and execute them from the date specified in the authorisation;
- (b) accept direct debits from the date specified in the authorisation;
- (ba) where relevant, inform consumers of their rights in relation to SEPA direct debits pursuant to Article 5(3)(d) of Regulation (EU) No 260/2012;**
- (c) where the consumer gave specific consent pursuant to paragraph 2, inform payers making recurrent credit transfers into a consumer's payment account of the details of the consumer's account with the receiving payment provider. If the receiving payment service provider does not have all the information it needs to inform the payer, it shall, **within two days**, ask the consumer or, **where necessary and subject to the consumer's consent**, the transferring payment service provider to provide the missing information;
- (d) where the consumer gave specific consent pursuant to paragraph 2, inform payees using a direct debit to collect funds from the consumer's account of the details of the consumer's account with the receiving payment service provider and the date from which direct debits shall be collected from that account. If the receiving payment service provider does not have all the information it needs to inform the payee, it shall, **within two days**, ask **either** the consumer or, **where necessary and subject to the consumer's consent**, the transferring payment service provider to provide the missing information;
- (e) **where the consumer is asked to provide the missing information for the purposes of** points (c) and (d), provide the consumer with standard letters, **drawn up in an official language of the Member State where the switching service is being initiated or in any other language agreed between the parties**, providing details of the new account and the starting date indicated in the authorisation.

4a. Member States shall ensure that deadlines are set at national level for payers and payees to take into account the new account details of the consumer transmitted by the receiving payment service provider. Member States shall also ensure that consumers are made aware of such deadlines and liabilities implied.

5. Where the consumer gave specific consent pursuant to paragraph 2, the receiving payment service provider may carry out any additional tasks necessary for the performance of the switch.

6. Upon receipt of a request from the receiving payment service provider, the transferring payment service provider shall carry out the following tasks:

- (a) send the receiving payment service provider the information indicated in points (a), (b) and (c) of paragraph 3 within seven **business** days of receiving the request;
- (b) where the transferring payment service provider does not provide a system for automated redirection of the **incoming credit transfers** and direct debits to the account held by the consumer with the receiving payment service provider, stop **incoming credit transfers and stop** accepting direct debits on the payment account **from** the date requested by the receiving payment service provider;
- (c) transfer **any** remaining positive balance from the payment account to the account held with the receiving payment service provider;
- (d) **as soon as the steps listed in points (a), (b) and (c) have been carried out**, close the payment account;
- (e) carry out any additional tasks necessary for performing the switch, pursuant to paragraph 5.

6a. The transferring payment service provider shall not be required to close the payment account in accordance with point (d) of paragraph 6 where the consumer has outstanding obligations to the payment service provider. The payment service provider shall immediately inform the consumer where such outstanding obligations prevent his payment account from being closed.

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7. Without prejudice to Article 55(2) of Directive 2007/64/EC, the transferring payment service provider shall not block payment instruments before the date agreed with the receiving payment service provider **so that the provision of payment services to the consumer is not interrupted during the switching process.**

8. Member States shall ensure that **all** provisions contained in paragraphs 1 to 7 **except for those contained in paragraph 4(c) and (d)** also apply when the switching service is initiated by a payment service provider located in another Member State.

9. In the case indicated in paragraph 8, the deadlines indicated in paragraphs 3, 4 and 6 shall be doubled **except in relation to transactions falling within the scope of Article 1 of Regulation (EU) No 260/2012 where both the transferring and the receiving payment accounts are denominated in euro.** This provision shall be subject to review pursuant to Article 27.

Article 11

Fees connected with the switching service

1. Member States shall ensure that consumers are able to access their personal information regarding existing standing orders and direct debits held by either the transferring or the receiving payment service provider free of charge.

2. Member States shall ensure that the transferring payment service provider provides the information requested by the receiving payment service provider pursuant to paragraph 6 (a) of Article 10 without charging the consumer or the receiving payment service provider.

3. Member States shall ensure that fees, if any, applied by the transferring payment service provider to the consumer for the termination of the payment account held with it are determined in accordance with Article 45(2) of Directive 2007/64/EC.

4. Member States shall ensure that fees, if any, applied by the transferring or the receiving payment service provider to the consumer for any service provided under Article 10, other than those referred to in paragraphs 1, 2 and 3, **are reasonable.**

Article 11a

Automated redirection

Unless after carrying out a regulatory impact assessment the Commission decides otherwise, Member States shall, by ... [six years after the date of entry into force of this Directive], ensure that a facility is established to provide automated redirection of payments from one payment account to another payment account within the same Member State combined with automated notifications to payees or payers when their transfers are redirected.

Article 12

Financial loss for consumers

1. Member States shall ensure that any **fees or other** financial loss incurred by the consumer resulting from the non-compliance of a payment service provider involved in the switching process with its obligations under Article 10 **are** refunded by that payment service provider **within three business days of the non-compliance being established. The burden of proof shall be on the payment service provider to demonstrate that the conditions laid down in Article 10 have been complied with.**

2. Consumers shall not bear any financial loss resulting from mistakes or delays in updating their payment account details by a payer or payee. **Member States shall ensure that payers and payees are held liable where they do not meet the deadlines set up by Member States in accordance with Article 10(4a).**

Article 13

Information about the switching service

1. Member States shall ensure that payment service providers make available to consumers the following information about the switching service:

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- (a) the roles of the transferring and receiving payment service provider for each step of the switching process, as indicated in Article 10;
- (b) the timeframe for completion of the respective steps;
- (c) the fees, if any, charged for the switching process;
- (d) any information that the consumer will be asked to provide;
- (e) the alternative dispute resolution procedures scheme referred to in Article 21.

2. The information shall be provided free of charge on a durable medium at all branches of the payment service providers accessible to consumers and be available in electronic form on their websites at all times.

CHAPTER IV

ACCESS TO PAYMENT ACCOUNTS

Article 14

Non-discrimination

Member States shall ensure that consumers legally resident in the Union are not discriminated against by reason of their nationality or place of residence, **or by reason of any other ground as referred to in Article 21 of the Charter of Fundamental rights of the European Union**, when applying for or accessing a payment account within the Union. **The conditions applicable to holding a basic payment account shall be in no way discriminatory. Making any discrimination visible through, for example, a different appearance of the card, a different account or card number, shall be prohibited.**

Article 15

Right of access to a payment account with basic features

1. Member States shall ensure that **■** a payment account with basic features **is offered** to consumers **by all** payment service **providers that operate in general retail payment services and that offer payment accounts as an integral part of their regular business**. Member States shall ensure that payment accounts with basic features are not only offered by payment service providers that provide the account solely **through** online **■ facilities**.

A Member State may decide to exempt payment service providers from the obligation referred to in the first subparagraph subject to the approval of the Commission. Any such exemption shall be based on objective and restrictive criteria. The Commission shall approve the exemptions where a level playing field among all payment service providers is guaranteed, the right of access for consumers is not undermined and the exemption does not lead to a situation in the Member State concerned where basic account customers face the risk of being stigmatised. [Ams. 4/rev and 5/rev]

1a. Member States may waive the obligation under paragraph 1 where the payment service providers:

- (a) are listed in Article 2(5) of Directive 2013/36/EU of the European Parliament and of the Council ⁽¹⁾,**
- (b) operate on a non-profit basis;**
- (c) require membership on the basis of defined criteria, such as profession.**

Any such a waiver shall be made without prejudice to the right of access by consumers to payment account with basic features.

⁽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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2. Member States shall ensure that **a system is in place within their territory to ensure the right of consumers to open and use a payment account with basic features as referred to in Article 14, subject to the following conditions:**

- (a) such right shall apply irrespective of the consumer's place of residence, **without prejudice to paragraph 2a;**
- (aa) **a mechanism shall be put in place to assist consumers with no fixed address, asylum seekers and consumers who are not granted a residence permit but whose expulsion is impossible for legal reasons to meet the requirements of Chapter II of Directive 2005/60/EC;**
- (b) the exercise of the right **shall not be** made excessively difficult or burdensome for the consumer;
- (ba) **a mechanism shall be put in place to ensure that unbanked, vulnerable consumers as well as mobile consumers are informed about the availability of payment accounts with basic features;**
- (bb) **the switching service provided for in Articles 10 and 11 of this Directive shall apply also where a consumer wishes to switch to a payment account with basic features from another payment account within the scope of the switching service.**

2a. In order to exercise the right laid down in paragraph 2, Member States shall require consumers to have a genuine link to the Member State where they wish to open and use a payment account with basic features.

Where the consumer is required to show such a link, Member States shall ensure that it is not burdensome for the consumer to do so. To that end, Member States shall ensure that competent authorities establish a list which lays down the form that such a link may take. That list shall include at least citizenship, family ties, centre of interests, place of work, internship or apprenticeship, pursuit of job opportunities or other professional links, place of study or vocational training, residence, property and any outstanding asylum or migration application.

EBA shall develop guidelines pursuant to Article 16 of Regulation (EU) No 1093/2010 to assist the competent authorities in implementing this paragraph.

Payment service providers shall take into account the information provided by the consumer and may require the consumer to be physically present or legally represented by a third person in the nearest available branch to open the account.

Member States shall ensure that it is possible for consumers to demonstrate the existence of a genuine link within one month after the account is opened remotely in advance. Prior to such verification, including personal attendance where needed, payment service providers shall be allowed to limit the use of the account.

2b. Before opening a payment account with basic features, Member States may require payment service providers to verify whether the consumer holds an active and equivalent payment account in the territory of that Member State and may require the consumer to sign a declaration of honour to that effect.

3. Payment services providers may not refuse an application for access to a payment account with basic features except in the following cases:

- (a) where the **customer due diligence conducted in accordance with Chapter II of Directive 2005/60/EC identifies a significant risk that the account will be used in breach of Union law;**
- (b) **in cases where the Member State has exercised the option referred to in paragraph 2b of this Article, where a consumer holds a payment account, with a payment service provider located in their territory, which enables him to make use of the payment services listed in Article 16(1).**

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4. **Member States shall ensure that payment service providers process applications for access to a payment account with basic features within seven business days of receiving a complete application including proof of identity.** Member States shall ensure that, in the cases indicated in paragraph 3, the payment service provider immediately informs the consumer **■**, in writing and free of charge **of the refusal and the specific reasons for it**, unless such disclosure would be contrary to the objectives of national security **or financial crimes. Furthermore, the consumer shall be informed of at least one channel of appeal or consultation service available to him free of charge or at a reasonable fee and of available alternative dispute resolution mechanisms.**

5. Member States shall ensure that, in the cases indicated in paragraph 3(b), the payment service provider adopts appropriate measures pursuant to Chapter III of Directive 2005/60/EC.

6. Member States shall ensure that access to a payment account with basic features is not made conditional on the purchase of additional services **or of shares of the payment service provider.**

Article 16

Characteristics of a payment account with basic features

1. Member States shall ensure that a payment account with basic features includes the following **■** services:

(a) services enabling all the operations required for the opening, operating and closing of a payment account;

(b) services enabling **money** to be placed on a payment account;

(c) services enabling cash withdrawals within the Union from a payment account **at the bank counter and at automated teller machines during or outside the bank's opening hours;**

(d) execution of the following payment transactions within the Union:

(i) **SEPA and non-euro** direct debit;

(ii) **SEPA and non-euro** payment transactions through a payment **instrument (e.g., by way of payment card or software product)** including online payments;

(iii) **SEPA and non-euro** credit transfers, **including standing orders, at terminals, counters and via the online facilities of the payment service provider.**

2. Member States **shall ensure that, provided that a payment account with basic features is operated by the consumer for personal use, there are no limits to the number of operations which are provided to the consumer under the specific pricing rules laid down in Article 17. In determining what is to be considered to be personal use, Member States shall take into account existing consumer behaviour and common commercial practice.**

3. Member States shall ensure that the consumer is able to manage and initiate payment transactions from the consumer's payment account with basic features in the payment service provider's **branches or via online ■** facilities, where available.

4. Member States shall ensure that **a payment account with basic features does not include any overdraft facilities other than, where deemed to be appropriate, a temporary buffer facility for small amounts. Member States may allow payment service providers to offer overdraft facilities and other credit products as clearly separated services to basic payment account customers. Access to, or use of, the payment account with basic features shall not be restricted by, or made conditional on, the purchase of such credit services. The fees charged for those services shall be transparent and at least as favourable as the usual pricing policy of the provider.**

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4a. The Commission shall be empowered to adopt delegated acts in accordance with Article 24 in order to update the list of services that are part of a payment account with basic features, having regard to the evolution of means of payment and technology.

Article 17

Associated fees

1. Member States shall ensure that the services indicated in Article 16 are offered by payment service providers free of charge or for a reasonable fee. **Member States shall require payment service providers to ensure that among the products they offer, the payment account with basic features is always the payment account with the lowest fee for the provision of the minimum package of payment services specified within the Member State pursuant to Article 16(1) and (2).**

2. Member states shall ensure that the fees charged to the consumer for non-compliance with the consumer's commitments laid down in the framework contract are reasonable **and never higher than the usual pricing policy of the provider.**

■

Article 18

Framework contracts and termination

1. Framework contracts providing access to a payment account with basic features shall be subject to the provisions of Directive 2007/64/EC unless otherwise specified in paragraphs 2 and 3.

2. The payment service provider may unilaterally terminate a framework contract **only** where at least one of the following conditions is met:

- (a) the consumer deliberately used the account for **illegal purposes**;
- (b) there has been no transaction on the account for more than **24** consecutive months **and fees owing to the payment service provider have not been paid**;
- (c) the consumer knowingly provided incorrect information in order to obtain the payment account with basic features where the correct information would have resulted in the **refusal of the application**;
- (ca) **the consumer is unable to justify the existence of a genuine link to the Member State concerned, as referred to in Article 15(2a), within one month after the account has been opened remotely in advance**;
- (d) the consumer is no longer legally resident in the Union or has subsequently opened a second payment account in the Member State where he already holds a payment account with basic features.

3. Member States shall ensure that where the payment service provider terminates the contract of a payment account with basic features, it informs the consumer of the grounds and the justification for the termination, **of at least one channel of appeal or consultation service available to him free of charge or at a reasonable fee and of alternative dispute resolution mechanisms available**, at least **one month** before the termination enters into force, in writing and free of charge, **unless such disclosure would be contrary to the objectives of national security.**

Article 19

General information on payment accounts with basic features

1. Member States shall ensure that **adequate** measures are in place to raise awareness ■ about the availability of payment accounts with basic features, their pricing conditions, the procedures to be followed in order to exercise the right to access payment accounts with basic features and the methods for having access to alternative resolution for the settlement of disputes. **Member States shall ensure that communication measures are sufficient and well targeted, in particular reaching out to unbanked, vulnerable and mobile consumers.**

2. Member States shall ensure that payment service providers **actively** make available to consumers **accessible** information **and adequate assistance** about the specific features of the payment account with basic features on offer, their associated fees and **the** conditions of use. Member States shall also ensure that the consumer is informed that the purchase of additional services is not compulsory to access a payment account with basic features.

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2a. Member States shall require educational establishments and consultation services to develop services for the most vulnerable customers providing them with guidance and assistance in the responsible management of their finances. Member States shall encourage initiatives to achieve this and improve financial education at schools and elsewhere. The risk of financial exclusion shall be minimised for all consumers. Furthermore, Member States shall encourage initiatives by payment service providers seeking to combine provision of a payment account with basic features and independent financial education services.

2b. Member States shall ensure that payment service providers required to offer payment accounts with basic features publish, on an annual basis, data on the number of payment accounts with basic features applied for, rejected, opened, and closed during the relevant year. The relevant data shall be collected and published at branch and corporate level.

2c. Member States shall ensure that the competent authorities publish, including on their website, an audit of the performance of each payment service provider in terms of its compliance with the right of access requirement. To that end, relevant payment providers shall be independently rated according to their performance in the provision of payment accounts with basic features and a rating of the top ten banks by market share shall be published at an annual basis. All relevant data shall be submitted to the Commission and to EBA.

CHAPTER V

COMPETENT AUTHORITIES AND ALTERNATIVE DISPUTE RESOLUTION

Article 20

Competent authorities

1. Member States shall designate competent authorities to ensure and monitor effective compliance with this Directive. Those competent authorities shall take all necessary measures to ensure such compliance. They shall be independent from payment service providers. They shall be competent authorities within the meaning of Article 4(2) of Regulation (EU) No 1093/2010.

2. The authorities referred to in paragraph 1 shall **be independent from payment service providers and shall** possess all the powers **and resources** necessary for the performance of their duties. Where more than one competent authority is empowered to ensure and monitor effective compliance with this Directive, Member States shall ensure that those authorities collaborate closely so that they can discharge their respective duties effectively. **Those authorities shall closely cooperate with the competent authorities of other Member States to ensure the correct and full application of the measures established in this Directive.**

2a. **The authorities referred to in paragraph 1 shall regularly consult relevant stakeholders, including consumer representatives, to ensure and monitor effective compliance with this Directive, without prejudice to the requirement of independence referred to in paragraph 1.**

3. Member States shall notify the Commission of the designated competent authorities referred to in paragraph 1 by ... [one year after the date of entry into force of this Directive]. They shall inform the Commission of any division of duties of those authorities. They shall immediately notify the Commission of any subsequent change concerning the designation and respective competences of those authorities.

Article 21

Alternative Dispute Resolution

1. Member States shall **establish adequate and effective out-of-court complaint and** redress procedures for the settlement of disputes **between consumers and payment service providers** concerning rights and obligations established under this Directive. **For those purposes, Member States shall designate existing bodies and, where appropriate, set up new bodies.**

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1a. Member States shall ensure that payment service providers adhere to one or more alternative dispute resolution bodies that fulfil the following criteria:

- (a) *the limitation period for bringing the dispute before a court is suspended for the duration of the procedure for alternative dispute resolution;*
- (b) *the procedure is free of charge or at moderate cost, as specified in national law;*
- (c) *electronic means are not the only means by which the parties can gain access to the procedure;*
- (d) *there is equal representation of providers, consumers and other users.*

1b. Member States shall ensure that the payment account providers commit to one or more alternative dispute resolution bodies.

1c. Member States shall notify the Commission and EBA of the bodies referred to in paragraph 1 by ... [six months after the date of entry into force of this Directive]. They shall notify the Commission without delay of any subsequent change concerning those bodies.

1d. Member States shall ensure that payment service providers inform the consumer about the alternative dispute resolution entities by which they are covered and which are competent to deal with potential disputes between themselves and the consumer. They shall also specify whether or not they commit or are obliged to use those entities to resolve disputes with consumers.

1e. The information referred to in paragraph 1b shall be referred to in a clear, comprehensible and easily accessible manner on the providers' website where one exists and in the general terms and conditions of sales or service contracts between the provider and the consumer.

CHAPTER VI

SANCTIONS

Article 22

Administrative measures and **application of administrative penalties and other administrative measures**

1. Member States shall lay down the rules on administrative **penalties and other administrative measures applicable to breach of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. Such administrative **penalties and other administrative** measures shall be effective, proportionate and dissuasive.**

Any pecuniary penalties shall be quantified at Union level to the extent possible, in order to ensure the effective implementation of the national provisions transposing this Directive.

2. EBA shall issue guidelines addressed to competent authorities, in accordance with Article 16 of Regulation (EU) No 1093/2010, on types of administrative penalties and other administrative measures and the level of administrative pecuniary penalties.

3. Member States shall ensure that the competent authorities publish any penalty or other measure imposed for breach of the national provisions transposing this Directive without undue delay, including information on the type and nature of the breach.

Member States shall notify the Commission of the provisions relating to penalties by ... [18 months after the date of entry into force of this Directive] and of any subsequent amendment thereof.

CHAPTER VII

FINAL PROVISIONS

Article 23

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 24 concerning Article 3(4).

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Article 24

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 delegation of power referred to in Article 23 shall be conferred for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of powers referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or the Council.

Article 26

Evaluation

1. **On an annual basis and for the first time by ... [3 years after the date of entry into force of this Directive], Member States shall provide the Commission with information on the following:**
 - (a) compliance by payment service providers with the provisions in Articles 3 to 6;
 - (b) the number of accredited comparison websites established pursuant to Article 7 **and best practices regarding to user satisfaction regarding comparison websites;**
 - (c) the number of payment accounts that have been switched, the average **time taken to complete the switching process, the average total** fee charged for switching, the number of refusals to switch, **the most common problems encountered by consumers during the switching process;**
 - (d) the number of payment accounts with basic features opened, **the length of time for which such accounts are held**, the number and grounds for refusal **and closure** and the associated charges;
 - (da) **the measures taken to assist vulnerable members of society with matters concerning budgeting and over-indebtedness.**
2. **The Commission shall provide an annual report on the basis of the information received from Member States.**

Article 27

Review clause

1. The Commission shall present to the European Parliament and the Council, by ... [**four** years after the date of entry into force of this Directive], a report on the application of this Directive accompanied, if appropriate, by a proposal.

The report shall include:

- (a) **a list of all infringement proceedings brought by the Commission for incorrect or incomplete implementation of this Directive;**

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- (b) *an assessment of the impact of this Directive on the harmonisation and integration of retail banking within the Union and on competition and average fee levels in Member States;*
- (c) *strategies to increase Union-wide quality transparency and comparability for payment service provision including transparency on business models and investment strategies and social corporate responsibility;*
- (d) *an assessment of the costs and benefits of an implementation of full Union-wide portability of payment account numbers including a roadmap with concrete steps necessary for such implementation;*
- (e) *an assessment of the characteristics of consumers who have opened payment accounts with basic features since the transposition of the Directive;*
- (f) *examples of best practices among Member States for reducing consumer exclusion from access to payment services;*
- (g) *an assessment of the charges levied for basic payment accounts, taking into account the criteria listed in Article 17 (3);*
- (h) *an assessment of options of establishing a Union-wide upper limit for the total annual fees relating to opening and using a payment account with basic features and ways how to adapt such a limit to national circumstances;*
- (i) *an assessment of the impact of the provision of payment accounts with basic features on the market for other payment accounts offering similar services.*

2. The review shall assess, based also on the information received from Member States pursuant to Article 26, whether to amend and update the list of services that are part of a payment account with basic features, having regard to the evolution of means of payment and technology.

3. The review shall also assess whether additional measures in addition to those adopted pursuant to Article 7 and 8 with respect to comparison websites and packaged offers are needed.

Article 28

Transposition

1. Member States shall adopt and publish, by ... [two years after the date of entry into force of this Directive] [...], the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Where the documents accompanying notification of transposition measures provided by the Member States are not sufficient to assess fully the compliance of those measures with certain provisions of this Directive, the Commission may, upon EBA's request and with a view to carrying out its tasks under Regulation (EU) No 1093/2010, or on its own initiative, require Member States to provide more detailed information regarding the transposition of this Directive and the implementation of those measures.

2. They shall apply those provisions from one year after entry into force of this Directive.

By way of derogation from the first subparagraph, Member States shall apply Chapter III from ... [18 months after the date of entry into force of this Directive] with regard to switching services between payment service providers located in the same Member State and, for payment accounts denominated in euro, between payment service providers located in the Union in relation to payment services denominated in euro.

By way of derogation from the first subparagraph and unless the Commission decides otherwise through a draft regulatory impact assessment, Member States shall apply the provisions of Chapter III from ... [48 months after the date of entry into force of this Directive] with regard to a switching service between payment service providers located in the Union for payment accounts denominated in a currency, other than the euro.

By way of derogation from the first subparagraph, Member States shall apply Article 4(1) to (6), Article 5(1) and (2), and Article 6(1) and (2) within 18 months of the date of publication of the list referred to in Article 3(5).

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By way of derogation from the first subparagraph, Member States which have, by 1 January 2014, a national legislative system in place which guarantees access to payment accounts with basic features to consumers legally resident in their territory, shall apply the provisions of Chapter IV from ... [24 months after the date of entry into force of this Directive].

3. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 29

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 30

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at [...],

For the European Parliament
The President

For the Council
The President

Thursday 12 December 2013

P7_TA(2013)0588

Maritime spatial planning and integrated coastal management ***I

Amendments adopted by the European Parliament on 12 December 2013 on the proposal for a directive of the European Parliament and of the Council establishing a framework for maritime spatial planning and integrated coastal maritime spatial planning and integrated coastal management (COM(2013)0133 — C7-0065/2013 — 2013/0074(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2016/C 468/82)

Amendment 1

Proposal for a directive

Citation 1 a (new)

Text proposed by the Commission

Amendment

Having regard to Council Decision 2010/631/EU of 13 September 2010 concerning the conclusion, on behalf of the European Union, of the Protocol on Integrated Coastal Zone Management in the Mediterranean to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ⁽¹⁾,

⁽¹⁾ OJ L 279, 23.10.2010, p. 1.

Amendment 2

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

(1) The high and rapidly increasing demand for maritime space for different purposes, such as renewable energy installations, maritime shipping and fishing activities, ecosystem conservation **and** tourism and aquaculture installations, as well as the multiple pressures on coastal resources require an integrated planning and management approach.

(1) The high and rapidly increasing demand for maritime space for different purposes, such as renewable energy installations, **oil and gas exploration and exploitation**, maritime shipping and fishing activities, ecosystem **and biodiversity** conservation, **the extraction of raw materials**, tourism and aquaculture installations, as well as the multiple pressures on coastal resources, require an integrated planning and management approach.

⁽¹⁾ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 57(2), second subparagraph (A7-0379/2013).

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Amendment 3
Proposal for a directive

Recital 2

Text proposed by the Commission

- (2) Such an approach to ocean management has been developed in the Integrated Maritime Policy for the European Union, including, as its environmental pillar, 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. The objective of the Integrated Maritime Policy is to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the Union's sectoral policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies.

Amendment

- (2) Such an approach to ocean management **and maritime governance** has been developed in the Integrated Maritime Policy for the European Union, including, as its environmental pillar, 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. The objective of the Integrated Maritime Policy is to support the sustainable development of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the Union's sectoral policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, including through sea-basin strategies or macro-regional strategies.

Amendment 4
Proposal for a directive

Recital 3

Text proposed by the Commission

- (3) The Integrated Maritime Policy identifies maritime spatial planning and integrated coastal management as cross-cutting policy tools for public authorities and stakeholders to apply a coordinated, integrated approach. The application of an ecosystem-based approach will contribute to promoting the sustainable growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

Amendment

- (3) The Integrated Maritime Policy identifies maritime spatial planning and integrated coastal management as cross-cutting policy tools for public authorities and stakeholders to apply a coordinated, integrated **and trans-boundary** approach. The application of an ecosystem-based approach will contribute to promoting the sustainable growth of the maritime and coastal economies and the sustainable use of marine and coastal resources.

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Amendment 5
Proposal for a directive

Recital 5

Text proposed by the Commission

- (5) In its recent Communication on Blue Growth, Opportunities for Marine and Maritime Sustainable Growth, the Commission has identified a number of ongoing EU initiatives which are intended to implement the Europe 2020 Strategy for smart, sustainable and inclusive growth. The Communication has also identified a number of sector activities on which blue growth initiatives should focus in the future and which should be adequately supported by maritime spatial plans and integrated coastal management strategies.

Amendment

- (5) In its recent Communication on Blue Growth Opportunities for Marine and Maritime Sustainable Growth, the Commission has identified a number of ongoing EU initiatives which are intended to implement the Europe 2020 Strategy for smart, sustainable and inclusive growth. The Communication has also identified a number of sector activities on which blue growth initiatives should focus in the future and which should be adequately supported by maritime spatial plans and integrated coastal management strategies. ***The Member States' clear support for those identified strategic areas will provide legal certainty and predictability for public and private investment, which will have a leverage effect on all sectoral policies linked to the maritime and coastal space.***

Amendment 6

Proposal for a directive

Recital 7

Text proposed by the Commission

- (7) The United Nations Convention on the Law of the Sea (UNCLOS) states in its preamble that issues relating to the use of ocean space are closely interrelated and need to be considered as a whole. Planning of ocean space is the logical advancement and structuring of the use of rights granted under UNCLOS and a practical tool in assisting Member States to comply with their obligations.

Amendment

- (7) The United Nations Convention on the Law of the Sea (UNCLOS) states in its preamble that issues relating to the use of ocean space are closely interrelated and need to be considered as a whole. Planning of ocean space is the logical advancement and structuring of the use of rights granted under UNCLOS and a practical tool in assisting Member States ***and the competent sub-national authorities*** to comply with their obligations.

Amendment 7

Proposal for a directive

Recital 10

Text proposed by the Commission

- (10) In order to ensure consistency and legal clarity, the geographical scope for maritime spatial planning and integrated coastal management ***strategies*** should be defined in conformity with existing legislative instruments of the Union and international maritime law.

Amendment

- (10) In order to ensure consistency and legal clarity, the geographical scope for maritime spatial planning and integrated coastal management should be defined in conformity with existing legislative instruments of the Union and international maritime law, ***in particular UNCLOS.***

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Amendment 8
Proposal for a directive
Recital 12

Text proposed by the Commission

- (12) While it is appropriate for the Union to lay down **rules** on maritime spatial plans and integrated coastal management strategies, Member States and their competent authorities remain responsible for designing and determining, within their marine waters and coastal zones, the content of such plans and strategies, including the apportionment of maritime space to the different sector activities.

Amendment

- (12) While it is appropriate for the Union to lay down **a transparent and coherent framework** on maritime spatial plans and integrated coastal management strategies, Member States and their competent authorities remain responsible for designing and determining, within their marine waters and coastal zones, the content of such plans and strategies, including the apportionment of maritime space to the different sector activities **and maritime uses**.

Amendment 9
Proposal for a directive
Recital 13

Text proposed by the Commission

- (13) So as to respect proportionality and subsidiarity, as well as minimise additional administrative **burden**, transposition and implementation of this Directive should to the greatest extent possible build upon existing national rules and mechanisms. Integrated coastal management strategies should build on the principles and elements set out in Council Recommendation 2002/413/EC and Council Decision 2010/631/EU.

Amendment

- (13) So as to respect proportionality and subsidiarity, as well as **to** minimise additional administrative **burdens**, transposition and implementation of this Directive should to the greatest extent possible build upon existing national **and Regional Sea Convention** rules and mechanisms. Integrated coastal management strategies should build on the principles and elements set out in Council Recommendation 2002/413/EC **of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe**^(18 bis) and Council Decision 2010/631/EU.

^(18 bis) OJ L 148, 6.6.2002, p. 24.

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Amendment 10
Proposal for a directive

Recital 15

Text proposed by the Commission

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- (15) Maritime spatial planning and integrated coastal management should apply the ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC so as to ensure that the collective pressure of all activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

Amendment

-
- (15) Maritime spatial planning and integrated coastal management should apply the ecosystem-based approach as referred to in Article 1(3) of Directive 2008/56/EC, **having regard to the principle of subsidiarity and taking account of the precautionary principle and of the principle that preventive action should be taken, as laid down in Article 191(2) of the Treaty on the Functioning of the European Union**, so as to ensure that the collective pressure of all **maritime and coastal** activities is kept within levels compatible with the achievement of good environmental status **and with the conservation of natural resources**, and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

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Amendment 11
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) Maritime spatial planning and integrated coastal management will contribute, inter alia, to achieving the aims of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources⁽¹⁹⁾, Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁽²⁰⁾, Decision 884/2004/EC of the European Parliament and of the Council amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network⁽²¹⁾, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, 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, the EU Biodiversity Strategy for 2020⁽²²⁾, the Roadmap towards a Resource Efficient Europe⁽²³⁾, the EU Strategy on Adaptation to Climate Change⁽²⁴⁾ well as, where appropriate, those of the EU Regional Policy, including the sea-basin and macro-regional strategies.

⁽¹⁹⁾ OJ L 140, 5.6.2009, pp. 16-62.

⁽²⁰⁾ OJ L 358, 31.12.2002, p. 59-80.

⁽²¹⁾ OJ L 167, 30/04/2005, pp. 1-38.

⁽²²⁾ COM(2011)0244 final.

⁽²³⁾ COM(2011)0571 final.

⁽²⁴⁾ COM(2013) XXX.

Amendment

- (16) Maritime spatial planning and integrated coastal management will contribute, inter alia, to achieving the aims of Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources⁽¹⁹⁾, Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁽²⁰⁾, **Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds^(20 bis), Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora^(20 ter)**, Decision 884/2004/EC of the European Parliament and of the Council **of 29 April 2004** amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network⁽²¹⁾, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, 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, the EU Biodiversity Strategy for 2020⁽²²⁾, the Roadmap towards a Resource Efficient Europe⁽²³⁾, the EU Strategy on Adaptation to Climate Change⁽²⁴⁾ **and the Commission's Communication COM(2009)0008 entitled 'Strategic goals and recommendations for the EU's maritime transport policy until 2018'**, as well as, where appropriate, those of the EU Regional Policy, including the sea-basin and macro-regional strategies.

⁽¹⁹⁾ OJ L 140, 5.6.2009, p. 16.

⁽²⁰⁾ OJ L 358, 31.12.2002, p. 59.

^(20 bis) **OJ L 20, 26.1.2010, p. 7.**

^(20 ter) **OJ L 206, 22.7.1992, p. 7.**

⁽²¹⁾ OJ L 167, 30.4.2004, p. 1.

⁽²²⁾ COM(2011)0244.

⁽²³⁾ COM(2011)0571.

⁽²⁴⁾ COM(2013) XXX.

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Amendment 12
Proposal for a directive

Recital 17

Text proposed by the Commission

- (17) Maritime and coastal activities are often closely inter-related. This requires maritime spatial plans and integrated coastal management strategies to be coordinated or integrated in order to guarantee the sustainable use of maritime space and management of coastal areas taking account of social, economic and environmental factors.

Amendment

- (17) Maritime and coastal activities are often closely inter-related **and interdependent**. This requires maritime spatial plans and integrated coastal management strategies to be coordinated, **linked up** or integrated in order to guarantee the sustainable use of maritime space and management of coastal areas, taking account of social, economic and environmental factors **and objectives**.

Amendment 13
Proposal for a directive

Recital 18

Text proposed by the Commission

- (18) In order to achieve the objectives of this Directive, maritime spatial plans and integrated coastal management strategies should cover the full cycle of problem identification, information collection, planning, decision-making, implementation **and** monitoring of implementation and be based on best available scientific knowledge. Best use should be made of mechanisms set out in existing or future legislation, including Decision 2010/477/EU on criteria and methodological standards for good environmental status of marine waters or the Commission's Marine Knowledge 2020 initiative ⁽²⁵⁾.

⁽²⁵⁾ COM(2010)0461 final.

Amendment

- (18) In order to achieve the objectives of this Directive, maritime spatial plans and integrated coastal management strategies should cover the full cycle of problem identification, information collection, planning, decision-making, implementation, monitoring of implementation, **revision or updating**, and **should** be based on best **and most recent** available scientific knowledge. Best use should be made of mechanisms set out in existing or future legislation, including Decision 2010/477/EU on criteria and methodological standards for good environmental status of marine waters or the Commission's Marine Knowledge 2020 initiative ⁽²⁵⁾.

⁽²⁵⁾ COM(2010)0461.

Amendment 14
Proposal for a directive

Recital 19

Text proposed by the Commission

- (19) The main **purpose** of maritime spatial planning **is** to identify and manage spatial uses **and** conflicts in maritime areas. In order to achieve **that purpose**, Member States need at least to ensure that the planning process or processes result in a comprehensive map identifying the different uses of maritime space, taking into consideration long term changes due to climate change.

Amendment

- (19) The main **purposes** of maritime spatial planning **are** to identify and manage spatial uses, **to minimise cross-sectoral** conflicts in maritime areas **and to enhance sustainable growth in the maritime sector**. In order to achieve **those purposes**, Member States need at least to ensure that the planning process or processes result in a comprehensive map identifying the different uses of maritime space, taking into consideration long term changes due to climate change.

Thursday 12 December 2013

Amendment 15
Proposal for a directive

Recital 20

Text proposed by the Commission

- (20) Member States should consult and coordinate their plans and strategies with the relevant Member State or third country authorities in the marine region or sub-region or coastal zone concerned in conformity with the rights and obligations of these Member States and third countries under European and international law. Effective cross border cooperation between Member States and with neighbouring third countries requires that the competent authorities in each Member State are identified. Member States therefore need to designate **the** competent **authority or** authorities responsible for cooperation with other Member States or third countries. Given the differences between various marine regions or sub-regions and coastal zones, it is not appropriate to prescribe in detail in this Directive how these cooperation mechanisms should look.

Amendment

- (20) Member States should consult and, **as far as possible**, coordinate their plans and strategies with the relevant Member State or third country authorities in the marine region or sub-region or coastal zone concerned in conformity with the rights and obligations of these Member States and third countries under European and international law. Effective cross border cooperation between Member States and with neighbouring third countries requires that the competent authorities in each Member State are identified. Member States therefore need to designate competent authorities responsible for cooperation with other Member States or third countries. Given the differences between various marine regions or sub-regions and coastal zones, it is not appropriate to prescribe in detail in this Directive how these cooperation mechanisms should look.

Amendment 16
Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

- (21a) ***In order to adapt coastal areas to climate change, and to combat erosion or excessive accretion, the risks of sea ingressions, the deterioration of ecological status and the loss of biodiversity of coastal ecosystems, it is extremely important that coastal sediment be managed in a sustainable and environmentally friendly manner, with a view to balancing out problematic areas that are at greater risk. Submarine sediment deposits on the continental shelf can be used where there is a shortage of sediment in the coastal system.***

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Amendment 17
Proposal for a directive

Recital 22

Text proposed by the Commission

- (22) The management of maritime and coastal areas is complex and involves different levels of authorities, economic operators and other stakeholders. In order to guarantee sustainable development in an effective manner, it is essential that stakeholders, authorities and the public **are** consulted at an appropriate stage in the preparation of maritime spatial plans and integrated coastal management strategies under this Directive, in accordance with relevant EU legislation. **A good example for public consultation provisions can be found in article 2(2) of Directive 2003/35/EC.**

Amendment

- (22) The management of maritime and coastal areas is complex and involves different levels of authorities, economic operators and other stakeholders. In order to guarantee sustainable development in an effective manner, it is essential that stakeholders, authorities and the public **be** consulted at an appropriate stage in the preparation of maritime spatial plans and integrated coastal management strategies under this Directive, in accordance with relevant EU legislation.

Amendment 18
Proposal for a directive

Recital 25

Text proposed by the Commission

- (25) In order to ensure that the establishment of maritime spatial plans and integrated coastal management strategies is based on reliable data and to avoid additional administrative burden, it is essential that Member States collect the best available data and information by making use of existing instruments and tools for data collection, such as those developed in the context of the Marine Knowledge 2020 initiative.

Amendment

- (25) In order to ensure that the establishment of maritime spatial plans and integrated coastal management strategies is based on reliable data and to avoid *any* additional administrative burden, it is essential that Member States collect **and use** the best available data and information by **encouraging the relevant stakeholders to share their data and information and** making use of existing instruments and tools for data collection, such as those developed in the context of the Marine Knowledge 2020 initiative.

Amendment 19
Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

- (25a) ***In order to support the widespread and coordinated implementation of this Directive throughout the Union, it would be advisable to find, from amongst existing financial instruments, resources to support demonstration programmes and exchanges of good practices and virtuous processes in coastal management and spatial management strategies, plans and governance.***

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Amendment 20
Proposal for a directive
Recital 28

Text proposed by the Commission

(28) Timely transposition of the provisions of this Directive is essential since the EU has adopted a number of policy initiatives that are to be implemented by the year 2020 and which this Directive aims to support. The shortest possible deadline for the transposition of this Directive should therefore be adopted.

Amendment

(28) Timely transposition of the provisions of this Directive is essential since the EU has adopted a number of policy initiatives that are to be implemented by the year 2020 and which this Directive aims to support **and complement**. The shortest possible deadline for the transposition of this Directive should therefore be adopted.

Amendment 21
Proposal for a directive
Article 1 — paragraph 1

Text proposed by the Commission

1. This Directive establishes a framework for maritime spatial planning **and** integrated coastal management aiming at promoting the sustainable growth of maritime and coastal economies and the sustainable use of marine and coastal resources.

Amendment

1. This Directive establishes a framework for maritime spatial planning **involving** integrated coastal management aiming at promoting the sustainable **development and** growth of maritime and coastal economies and the sustainable use of marine and coastal resources, **in particular by supporting the priority areas identified in the Commission Communication of 13 September 2012 on Blue Growth Opportunities for Marine and Maritime Sustainable Growth**.

Amendment 22
Proposal for a directive
Article 1 — paragraph 2

Text proposed by the Commission

2. Within the Integrated Maritime Policy of the Union, this **framework** provides for the establishment and implementation by Member States of maritime spatial plans and of integrated coastal management strategies with the aim of meeting the objectives specified in Article 5.

Amendment

2. Within the Integrated Maritime Policy of the Union, this **Directive** provides **a framework** for the establishment and implementation by Member States of maritime spatial plans and of integrated coastal management strategies with the aim of meeting the objectives specified in Article 5, **taking into account land-sea interactions and enhanced cross-border cooperation on the basis of the respective UNCLOS provisions**.

Thursday 12 December 2013

Amendment 23

Proposal for a directive

Article 2 — paragraph 1

Text proposed by the Commission

1. The provisions of this Directive shall apply to marine waters and coastal zones.

Amendment

1. The provisions of this Directive shall apply to **all** marine waters and coastal zones **of the Union, in compliance with existing Union and national law.**

Amendment 24

Proposal for a directive

Article 2 — paragraph 2

Text proposed by the Commission

2. This Directive shall not apply to activities the sole purpose of which is defence or national security. **Each** Member **State** shall, however, endeavour to ensure that such activities are conducted in a manner compatible with the objectives of this Directive.

Amendment

2. This Directive shall not apply to activities the sole purpose of which is defence or national security. Member **States** shall, however, endeavour to ensure that such activities are conducted in a manner **that is** compatible, **in so far as is reasonable and practicable**, with the objectives of this Directive.

Amendment 25

Proposal for a directive

Article 3 — point 1

Text proposed by the Commission

1. 'Coastal zone' means the geomorphologic area on both sides of the seashore **area with as the seaward limit the external limit of the territorial seas of** Member States **and as the landward limit, the limit** as defined by **the** Member States in their **integrated coastal management strategies.**

Amendment

1. 'Coastal zone' means the **seashore and the** geomorphologic area on both sides of the seashore **as defined by** Member States in their **respective laws, with the seaward limit not exceeding their territorial seas.**

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Amendment 26
Proposal for a directive
Article 3 — point 2

Text proposed by the Commission

2. 'Integrated Maritime Policy' means the Union policy **with the aim** to foster coordinated and coherent **decision-making** to maximise the sustainable development, economic growth and social cohesion of Member States, in particular with regard to coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

Amendment

2. 'Integrated Maritime Policy' means the Union policy **established** to foster **a** coordinated and coherent **cross-sectoral and trans-boundary maritime governance** to maximise the sustainable development, economic growth and social cohesion of Member States, in particular with regard to coastal, insular and outermost regions in the Union, as well as maritime sectors, through coherent maritime-related policies and relevant international cooperation.

Amendment 27
Proposal for a directive
Article 3 — point 2 a (new)

Text proposed by the Commission

2a. **'Maritime spatial plans'** means the plan or plans resulting from a public process for analysing and planning the spatial and temporal distribution of human activities in sea areas to achieve the economic, environmental and social objectives laid down in this Directive, in accordance with the relevant national policies, with a view to identifying the utilisation of maritime space for different sea uses and encouraging multi-purpose use in particular.

Amendment

Amendment 28
Proposal for a directive
Article 3 — point 2 b (new)

Text proposed by the Commission

2b. **'Integrated coastal management strategies'** means the formal and informal practices and/or strategies that aim at the integrated management of all policy processes affecting the coastal zone, addressing land-sea interactions of coastal activities in a coordinated way, with a view to ensuring the sustainable development of coastal and marine areas. Such strategies ensure that management or development decisions are taken coherently across sectors so as to avoid, or at least limit, conflicts over the use of coastal areas.

Amendment

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Separate vote

Proposal for a directive

Article 3 — point 3

Text proposed by the Commission

3. 'Marine region **or sub-region**' means the marine regions **and sub-regions** referred to in Article 4 of Directive 2008/56/EC.

Amendment

3. 'Marine region' means the marine regions referred to in Article 4 of Directive 2008/56/EC.

Amendment 29

Proposal for a directive

Article 3 — point 4

Text proposed by the Commission

4. 'Marine waters' means the waters, the seabed and subsoil **as defined in Article 3(1) of Directive 2008/56/EC**.

Amendment

4. 'Marine waters' means the waters, the seabed and subsoil **on the seaward side of the baseline from which the breadth of territorial waters is measured, extending to the outermost reach of the area where a Member State has and/or exercises jurisdiction, in accordance with UNCLOS, with the exception of waters adjacent to the countries and territories mentioned in Annex II to the Treaty of the Functioning of the European Union and the French Overseas Departments and Collectivities**.

Amendment 31

Proposal for a directive

Article 3 — point 7

Text proposed by the Commission

7. 'Good environmental status' means the environmental status referred to in Article 3(5) of Directive 2008/56/EC.

Amendment

7. 'Good environmental status' means the environmental status referred to in Article 3(5) of Directive 2008/56/EC **and Commission Decision 2010/477/EU**.

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Amendment 32**Proposal for a directive****Article 4 — paragraph 1***Text proposed by the Commission*

1. Each Member State shall establish and implement *a* maritime spatial plan **or plans and an** integrated coastal management **strategy or** strategies. **They may be prepared in separate documents.**

Amendment

1. Each Member State shall establish and implement **maritime spatial planning. Where a Member State does not integrate land-sea interactions in its** maritime spatial plan, **those interactions shall be addressed through** integrated coastal management. **Member States may decide whether to follow an integrated approach or to establish maritime spatial plans and integrated coastal management** strategies **separately.**

Amendment 33**Proposal for a directive****Article 4 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. Member States or competent regional or local authorities shall remain responsible for designing and determining the content of such plans and strategies, including the apportionment of maritime space to the different sector activities and maritime and marine uses.

Amendment 34**Proposal for a directive****Article 4 — paragraph 3***Text proposed by the Commission*

3. When establishing maritime spatial plans and integrated coastal management strategies, Member States shall give due regard to the particularities of the regions and **the** sub-regions, the respective sector activities, the marine waters and coastal zones concerned and **potential** climate change impacts.

Amendment

3. When establishing maritime spatial plans and integrated coastal management strategies, Member States shall give due regard to the particularities **and needs of, and the opportunities presented by,** the **marine and coastal** regions and sub-regions, the respective **existing and future** sector activities, the marine waters and coastal zones concerned and climate change impacts.

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Amendment 35**Proposal for a directive****Article 4 — paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. In the case of the Union's outermost regions in particular, Article 349 of the TFEU shall be respected, taking into account the special characteristics and constraints of those regions.

Amendment 36**Proposal for a directive****Article 5**

Text proposed by the Commission

Amendment

Maritime spatial plans and integrated coastal management strategies shall apply **an** ecosystem-based approach to **facilitate** the co-existence **and prevent conflicts between competing** sector activities in marine waters and coastal zones, **and** shall aim to contribute to:

1. Maritime spatial plans and integrated coastal management strategies shall apply *the* ecosystem-based approach, *considering economic, social and environmental criteria at the same level*, to *support sustainable development and growth in the maritime sector*. They shall promote the co-existence of the relevant sector activities *in a compatible manner*, *minimise conflicts between those activities* in marine waters and coastal zones, *and promote cross-border cooperation and the multiple use of the same maritime space by different sectors*.

2. Maritime spatial plans and integrated coastal management strategies shall aim to contribute to the following Union objectives:

(a) securing the energy supply of the Union by promoting the development of marine energy sources, the development of new and renewable forms of energy, the interconnection of energy networks, and energy efficiency;

(a) securing the energy supply of the Union by promoting the development of marine energy sources, the development of new and renewable forms of energy, the interconnection of energy networks, and energy efficiency;

(b) promoting the development of maritime transport **and providing efficient and cost-effective shipping routes** across Europe, including port accessibility **and** transport safety;

(b) promoting the development of maritime transport across Europe, including port accessibility, transport safety, **multi-modal links and sustainability**;

(c) fostering the sustainable development **and growth** of the fisheries and aquaculture sector, including employment in fisheries and connected sectors;

(c) fostering the sustainable development of the fisheries **sector and sustainable growth of the** aquaculture sector, including employment in fisheries and connected sectors;

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Text proposed by the Commission

- (d) ensuring the preservation, protection and improvement of the environment as well as the prudent and rational use of natural resources, notably in order to achieve good environmental status, halt the loss of biodiversity and degradation of ecosystem services and reduce marine pollution risks;
- (e) ensuring **climate resilient** coastal and marine areas.

Amendment

- (d) ensuring the preservation, protection and improvement of the environment **through a representative and coherent network of protected areas**, as well as the prudent, **precautionary** and rational use of natural resources, notably in order to achieve good environmental status, halt the loss of biodiversity and degradation of ecosystem services and reduce **and prevent** marine **and coastal areas** pollution risks;

- (e) ensuring **that** coastal and marine areas **are more resilient to climate change impacts in order to protect vulnerable coastal areas**.

3. **Maritime spatial plans and integrated coastal management strategies may aim to contribute to further national objectives, such as:**

- (a) **promoting the sustainable extraction of raw materials;**
- (b) **promoting sustainable tourism;**
- (c) **ensuring the preservation and protection of cultural heritage;**
- (d) **guaranteeing recreational and other use to the public;**
- (e) **preserving traditional economic and social characteristics of the maritime economy.**

Amendment 37

Proposal for a directive

Article 6 — paragraph 1

Text proposed by the Commission

1. **Maritime spatial plans and integrated coastal management strategies** shall establish **operational** steps to achieve the objectives **as** set out in Article 5 taking into account **all** relevant activities and measures applicable to them.

Amendment

1. **Each Member State** shall establish **procedural** steps to achieve the objectives set out in Article 5, taking into account **the** relevant activities, **uses** and measures applicable to them.

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Amendment 38

Proposal for a directive

Article 6 — paragraph 2 — point b

Text proposed by the Commission

- (b) ensure effective **trans-boundary cooperation between Member States, and between national authorities and** stakeholders of the relevant sector policies;

Amendment

- (b) ensure effective **participation of the** stakeholders of the relevant sector policies **in accordance with Article 9;**

Amendment 39

Proposal for a directive

Article 6 — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment

- (ba) ensure effective trans-boundary cooperation between Member States in accordance with Article 12;**

Amendment 40

Proposal for a directive

Article 6 — paragraph 2 — point c

Text proposed by the Commission

- (c) identify the trans-boundary effects of maritime spatial plans and integrated coastal management strategies on the marine waters and coastal zones under the sovereignty or jurisdiction of third countries in the same marine region or sub-region and related coastal zones and deal with them in cooperation with the competent authorities of **these** countries in accordance with **Articles 12 and 13;**

Amendment

- (c) identify the trans-boundary effects of maritime spatial plans and integrated coastal management strategies on the marine waters and coastal zones under the sovereignty or jurisdiction of third countries in the same marine region or sub-region and related coastal zones and deal with them in cooperation with the competent authorities of **those** countries in accordance with **Article 13;**

Amendment 41

Proposal for a directive

Article 6 — paragraph 2 — point c a (new)

Text proposed by the Commission

Amendment

- (ca) on the one hand, be based on the best available data and, on the other hand, guarantee the necessary flexibility to take future developments into account;**

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Amendment 42**Proposal for a directive****Article 7 — paragraph 1***Text proposed by the Commission*

1. Maritime spatial plans shall contain at least a mapping of marine waters which identifies the actual and potential spatial and temporal distribution of all relevant maritime activities in order to achieve the objectives **as** set out in Article 5.

Amendment

1. Maritime spatial plans shall contain at least a mapping of marine waters which identifies the actual, **intended** and potential spatial and temporal distribution of all relevant maritime **uses and** activities **and important ecosystem components**, in order to achieve the **Union** objectives set out in Article 5.

Amendment 43**Proposal for a directive****Article 7 — paragraph 2 — introductory part***Text proposed by the Commission*

2. When establishing maritime spatial plans Member States shall take into consideration, **at least**, the following activities:

Amendment

2. When establishing maritime spatial plans Member States shall take into consideration, **inter alia**, the following **uses and** activities:

Amendment 44**Proposal for a directive****Article 7 — paragraph 2 — points a to g***Text proposed by the Commission*

- (a) installations for the extraction of energy and the production of renewable energy;
- (b) oil **and** gas extraction sites and infrastructures;
- (c) maritime transport routes;
- (d) submarine cable and pipeline routes;
- (e) fishing areas;
- (f) sea farming **sites**;

Amendment

- (a) installations for the extraction of energy and the production of renewable energy, **and for bringing it onshore**;
- (b) oil, gas **and other raw materials exploration and** extraction sites and infrastructures;
- (c) maritime transport routes;
- (d) submarine cable and pipeline routes;
- (e) **existing and potential** fishing areas;
- (f) sea farming **areas**;

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Text proposed by the Commission

(g) nature conservation sites.

Amendment

(g) nature **and species protection and** conservation sites, **Natura 2000 areas, other sensitive marine ecosystems and surrounding areas, in accordance with Union and national law;**

(h) **marine and coastal tourism;**

(i) **cultural heritage protection sites;**

(j) **military training areas.**

Amendment 45

Proposal for a directive

Article 8 — paragraph 1

Text proposed by the Commission

1. Integrated coastal management **strategies shall contain at least, an inventory of** existing measures applied in coastal zones and an analysis of the need for additional actions in order to achieve the objectives set out in Article 5. **The strategies shall provide for** integrated and cross-sectoral policy implementation and consider interactions between terrestrial and maritime activities.

Amendment

1. **When establishing** integrated coastal management **Member States shall decide whether to use a set of practices or one or more strategies. They shall identify** existing measures applied in coastal zones and **undertake** an analysis of the need for additional actions in order to achieve the objectives set out in Article 5. **Integrated coastal management shall enhance** integrated and cross-sectoral policy implementation and **take** interactions between terrestrial and maritime activities **into consideration in order to ensure land-sea connectivity.**

Amendment 46

Proposal for a directive

Article 8 — paragraph 2 — introductory part

Text proposed by the Commission

2. When establishing integrated coastal management strategies, Member States shall take into consideration, **at least, the following activities:**

Amendment

2. When establishing integrated coastal management strategies, Member States shall take into consideration:

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Amendment 47**Proposal for a directive****Article 8 — paragraph 2 — point a***Text proposed by the Commission**Amendment*

(a) utilisation of specific natural resources including installations for the extraction of energy and the production of renewable energy;

*deleted***Amendment 48****Proposal for a directive****Article 8 — paragraph 2 — point a (new)***Text proposed by the Commission**Amendment*

(aa) already established practices and strategies in line with Recommendation 2002/413/EC;

Amendment 49**Proposal for a directive****Article 8 — paragraph 2 — point a b (new)***Text proposed by the Commission**Amendment*

(ab) existing formal and informal practices, networks and cross-border cooperation mechanisms;

Amendment 50**Proposal for a directive****Article 8 — paragraph 2 — point a c (new)***Text proposed by the Commission**Amendment*

(ac) relevant activities, installations, facilities and infrastructure;

Amendment 51**Proposal for a directive****Article 8 — paragraph 2 — point b***Text proposed by the Commission**Amendment*

(b) development of infrastructure, energy facilities, transport, ports, maritime works and other structures including green infrastructure;

deleted

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Amendment 52

Proposal for a directive

Article 8 — paragraph 2 — point c

Text proposed by the Commission

Amendment

(c) **agriculture and industry;**

deleted

Amendment 53

Proposal for a directive

Article 8 — paragraph 2 — point d

Text proposed by the Commission

Amendment

(d) **fishing and aquaculture;**

deleted

Amendment 54

Proposal for a directive

Article 8 — paragraph 2 — point e

Text proposed by the Commission

Amendment

(e) conservation, restoration and management of coastal ecosystems, ecosystem services and nature, coastal landscapes and islands;

(e) **protection**, conservation, restoration and management of coastal ecosystems, **protected deltas and wetland areas**, ecosystem services and nature, coastal landscapes and islands;

Amendment 55

Proposal for a directive

Article 8 — paragraph 2 — point f

Text proposed by the Commission

Amendment

(f) mitigation and adaptation to climate change.

(f) mitigation and adaptation to climate change, **in particular increasing the resilience of the ecosystem.**

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Amendment 56**Proposal for a directive****Article 9 — paragraph 1***Text proposed by the Commission*

1. Member States shall establish means for **the** public participation **of all interested parties** at an early stage in the development of maritime spatial plans and integrated coastal management strategies.

Amendment

Member States shall establish means for public participation **by informing and consulting the relevant stakeholders and authorities and the public concerned** at an early stage in the development of maritime spatial plans and integrated coastal management strategies. **Member States shall also ensure that those stakeholders and authorities, and the public concerned, have access to the results once they are finalised.**

Amendment 57**Proposal for a directive****Article 9 — paragraph 2***Text proposed by the Commission*

2. **Public participation shall ensure that the relevant stakeholders and authorities and the public concerned are consulted on the draft plans and strategies and have access to the results once available.**

*Amendment***deleted****Amendment 58****Proposal for a directive****Article 9 — paragraph 3***Text proposed by the Commission*

3. **When establishing means of public consultation, Member States shall act in accordance with relevant provisions in other Union legislation.**

*Amendment***deleted****Amendment 59****Proposal for a directive****Article 10 — paragraph 1***Text proposed by the Commission*

1. Member States shall organise the collection of the best available data and the exchange of information necessary for maritime spatial plans and integrated coastal management strategies.

Amendment

1. Member States shall organise the collection **and use** of the best available data and the exchange of information necessary for maritime spatial plans and **the implementation of** integrated coastal management strategies.

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Amendment 60
Proposal for a directive
Article 10 — paragraph 3

Text proposed by the Commission

3. When organising the collection and exchange of the data referred to in paragraph 1, Member States shall make use, as far as possible, of instruments and tools developed under the Integrated Maritime Policy.

Amendment

3. When organising the collection and exchange of the data referred to in paragraph 1, Member States shall make use, as far as possible, of instruments and tools developed under the Integrated Maritime Policy **and other relevant Union policies, such as those set out in Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)** ^(27 bis).

^(27 bis) OJ L 108, 25.4.2007, p. 1.

Amendment 61
Proposal for a directive
Article 11

Text proposed by the Commission

Maritime spatial plans and integrated coastal management strategies are subject to the provisions of Directive 2001/42/EC.

Amendment

Maritime spatial plans and integrated coastal management strategies are subject to the provisions of Directive 2001/42/EC **and of Article 6 of Directive 92/43/EEC, where applicable.**

Amendment 62
Proposal for a directive
Article 12 — paragraph 1

Text proposed by the Commission

1. Each Member State bordering a coastal zone or maritime area of another Member State shall cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated across the coastal zone or marine region and/or sub-region concerned. Such cooperation shall in particular take into account issues of a transnational nature, such as cross-border infrastructure.

Amendment

1. Each Member State bordering a coastal zone or maritime area of another Member State shall **take all necessary steps to** cooperate to ensure that maritime spatial plans and integrated coastal management strategies are coherent and coordinated across the coastal zone or marine region and/or sub-region concerned. Such cooperation shall in particular take into account issues of a transnational nature, such as cross-border infrastructure, **and shall aim at a common vision for each existing and future sea-basin strategy.**

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Amendment 63**Proposal for a directive****Article 12 — paragraph 1 a (new)***Text proposed by the Commission**Amendment*

1a. *In order to enable cooperation to take place, Member States should, where possible, coordinate the timing of new Maritime Spatial Plans or the review cycles of existing ones.*

Amendment 64**Proposal for a directive****Article 12 — paragraph 2 — point a***Text proposed by the Commission**Amendment*

(a) regional institutional cooperation structures covering the coastal zone or the marine region or sub-region concerned, or

(a) **Regional Seas Conventions or other** regional institutional cooperation structures covering the coastal zone or the marine region or sub-region concerned, or

Amendment 65**Proposal for a directive****Article 12 — paragraph 2 — point b***Text proposed by the Commission**Amendment*

(b) a **dedicated** network of Member States' competent authorities covering the marine region and/or sub-region concerned.

(b) a network of Member States' competent authorities covering the **coastal zone**, marine region and/or sub-region concerned, **or**

Amendment 66**Proposal for a directive****Article 12 — paragraph 2 — point b a (new)***Text proposed by the Commission**Amendment*

(ba) *any other approach that meets the requirements of paragraph 1.*

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Amendment 67
Proposal for a directive

Article 13

Text proposed by the Commission

Member States bordering a coastal zone or maritime area of a third country shall make every effort to coordinate their maritime spatial plans and integrated coastal management strategies with that third country in the marine region or sub-region and the related coastal zone concerned.

Amendment

Member States bordering a coastal zone or maritime area of a third country shall, **in compliance with international maritime law and conventions, consult that country and** make every effort to **cooperate and** coordinate their maritime spatial plans and integrated coastal management strategies with that third country in the marine region or sub-region and the related coastal zone concerned.

Amendment 87
Proposal for a directive

Article 14

Text proposed by the Commission

1. Each Member State shall designate for each coastal zone and marine region **or sub-region** concerned, the authority or authorities **competent for** the implementation of this Directive, including to ensure cooperation with other Member States as defined in Article 12 and cooperation with third countries as defined in Article 13.

2. Each Member State shall provide the Commission with a list of the **competent** authorities, together with the items of information listed in Annex I to this Directive.

3. At the same time, each Member State shall send to the Commission a list of their competent authorities responsible for those international bodies in which they participate and which are relevant for the implementation of this Directive.

4. Each Member State shall inform the Commission of any change to the information provided pursuant to paragraph 1 within six months of such a change coming into effect.

Amendment

1. Each Member State shall designate for each coastal zone and marine region concerned, the authority or authorities **in charge of** the implementation of this Directive, including to ensure cooperation with other Member States as defined in Article 12 and cooperation with third countries as defined in Article 13.

2. Each Member State shall provide the Commission with a list of the authorities **in charge**, together with the items of information listed in Annex I to this Directive.

3. At the same time, each Member State shall send to the Commission a list of their competent authorities responsible for those international bodies in which they participate and which are relevant for the implementation of this Directive.

4. Each Member State shall inform the Commission of any change to the information provided pursuant to paragraph 1 within six months of such a change coming into effect.

4a. In accordance with the principle of subsidiarity, each Member State may designate its authorities in charge in accordance with the institutional and governance levels in place.

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Amendment 68
Proposal for a directive
Article 15 — paragraph 2

Text proposed by the Commission

2. This report shall at least contain information on the implementation of Articles 6 to 13.

Amendment

2. This report shall at least contain information on the implementation of Articles 6 to 13. **Where possible, the content and format of the report shall be harmonised with the relevant specifications laid down in Directive 2008/56/EC.**

Amendment 69
Proposal for a directive
Article 15 — paragraph 3

Text proposed by the Commission

3. The Commission shall submit a progress report to the European Parliament and Council outlining the progress made in implementing this Directive.

Amendment

3. The Commission shall submit a progress report to the European Parliament and Council **at the latest one year after the deadline for the establishment of the maritime spatial plans and integrated coastal management strategies**, outlining the progress made in implementing this Directive.

Amendment 70
Proposal for a directive
Article 16 — paragraph 1 — introductory part

Text proposed by the Commission

1. The Commission may, by means of implementing acts, adopt provisions on:

Amendment

1. The Commission may, **without prejudice to specifications concerning substantive related plans and strategies**, by means of implementing acts, adopt provisions on:

Amendment 71
Proposal for a directive
Article 16 — paragraph 1 — point a — introductory part

Text proposed by the Commission

(a) **operational** specifications for management of data referred in Article 10, provided they have not been established by other **EU legislation**, such as Directive 2007/2/EC or 2008/56/EC, on

Amendment

(a) **process-related** specifications for management of data referred in Article 10, provided they have not been established by other **legal acts of the Union**, such as Directive 2007/2/EC or 2008/56/EC, on

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Amendment 72

Proposal for a directive

Article 16 — paragraph 1 — point a — indent 1

Text proposed by the Commission

— the sharing of data, and interfacing with existing data management and collection processes; and

Amendment

— the **effective** sharing of data, and interfacing with existing **systems for** data management and collection processes; and

Amendment 73

Proposal for a directive

Article 16 — paragraph 1 — point b — introductory part

Text proposed by the Commission

(b) the **operational** steps **for** the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:

Amendment

(b) the **process-related** steps **that contribute to** the establishment and reporting on maritime spatial plans and integrated coastal management strategies concerning:

Amendment 74

Proposal for a directive

Article 16 — paragraph 1 — point b — indent 3

Text proposed by the Commission

— **cross-border co-operation** modalities;

Amendment

— **the most effective** modalities **of cross-border cooperation**.

Amendment 75

Proposal for a directive

Article 16 — paragraph 1 — point b — indent 4

Text proposed by the Commission

— **public consultation**.

Amendment

deleted

Amendment 76

Proposal for a directive

Article 17 — paragraph 2

Text proposed by the Commission

2. Where reference is made to **paragraph 1**, Article 5 of Regulation (EU) No 182/2011 shall apply.

Amendment

2. Where reference is made to **this paragraph**, Article 5 of Regulation (EU) No 182/2011 shall apply.

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Amendment 77**Proposal for a directive****Article 18 — paragraph 2***Text proposed by the Commission*

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Each Member State shall determine how such reference is to be made.

Amendment

2. When Member States adopt the measures referred to in paragraph 1, **following the entry into force of this Directive**, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Each Member State shall determine how such reference is to be made.

Amendment 78**Proposal for a directive****Article 18 — paragraph 4***Text proposed by the Commission*

4. The maritime spatial plans and integrated coastal management strategies referred to in Article 4(1) shall be established within a period of **36** months after the entry into force of this Directive.

Amendment

4. The maritime spatial plans and integrated coastal management strategies referred to in Article 4(1) shall be established within a period of **48** months after the entry into force of this Directive.

Amendment 79**Proposal for a directive****Article 18 — paragraph 5***Text proposed by the Commission*

5. The reports referred to in Article 15(1) shall be provided, at the latest, **42** months following the entry into force of **the** Directive, and every six years thereafter.

Amendment

5. The reports referred to in Article 15(1) shall be provided, at the latest, **54** months following the entry into force of **this** Directive, and every six years thereafter.

Amendment 80**Proposal for a directive****Article 18 — paragraph 6***Text proposed by the Commission*

6. The progress report referred to in Article 15(3) shall be submitted at the latest six months after the date referred to in paragraph 5, and every **six** years thereafter.

Amendment

6. The progress report referred to in Article 15(3) shall be submitted at the latest six months after the date referred to in paragraph 5, and every **four** years thereafter.

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Amendment 81

Proposal for a directive

Article 18 — paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *The transposition obligations contained in this Directive shall not apply to landlocked Member States.*

Thursday 12 December 2013

P7_TA(2013)0589

Amending certain Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte *I****European Parliament legislative resolution of 12 December 2013 on the proposal for a directive of the European Parliament and of the Council amending certain Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte with regard to the Union (COM(2013)0418 — C7-0176/2013 — 2013/0192(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/83)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0418),
 - having regard to Article 294(2), Article 43(2), Article 114, Article 153(2), Article 168 and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0176/2013),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to the Council letter of 10 October 2013 ⁽¹⁾,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 September 2013 ⁽²⁾,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Regional Development (A7-0399/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2013)0192**Position of the European Parliament adopted at first reading on 12 December 2013 with a view to the adoption of Directive 2013/.../EU of the European Parliament and of the Council amending certain Directives in the fields of environment, agriculture, social policy and public health by reason of the change of status of Mayotte with regard to the Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

⁽¹⁾ Item 4 of the Minutes of 21 October 2013 (P7_PV(2013)10-21).⁽²⁾ OJ C 341, 21.11.2013, p. 97.

Thursday 12 December 2013

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114, Article 153(2), Article 168 and Article 192(1) 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 ⁽²⁾,

Whereas:

- (1) By Decision 2012/419/EU ⁽³⁾, the European Council decided to amend the status of Mayotte with regard to the European Union with effect from 1 January 2014. Therefore, from that date Mayotte will cease to be an overseas **country or territory within the meaning of Article 198 of the Treaty on the Functioning of the European Union (TFEU)** and become an outermost region within the meaning of Articles 349 and 355(1) TFEU. **Following this change in the legal status of Mayotte**, Union law will apply to Mayotte as from ~~that date~~ **1 January 2014**. It is appropriate to provide for certain specific measures justified by the particular **structural, social, environmental and economic** situation of Mayotte **and its new status as an outermost region**, in a number of areas. [Am. 1]
- (2) It is appropriate to take account of the particular situation in Mayotte as regards the state of the environment, which calls for considerable improvement in order to comply with environmental objectives set forth by Union law, for which additional time is needed. Specific measures in order to gradually improve the environment should be adopted within specific time limits.
- (3) In order to comply with the requirements of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment ⁽⁴⁾, measures need to be taken in Mayotte to ensure that agglomerations are provided with collecting systems for urban waste water. Such measures call for infrastructure works that should follow appropriate administrative and planning procedures and furthermore require the establishment of systems for measuring and monitoring urban waste water discharges. Therefore, a sufficient period of time needs to be granted to France for meeting those requirements.
- (4) In the field of agriculture, as regards Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens ⁽⁵⁾ it is noted that, in Mayotte, laying hens are reared in unenriched cages. In view of the **economic and social constraints obtaining in Mayotte and the** considerable investment and preparatory work required for replacing unenriched cages by enriched cages or alternative systems, it is necessary, in respect of laying hens in lay on 1 January 2014, to postpone the prohibition of using unenriched cages for a period of up to ~~12 months~~ **four years** from that date. Replacement of the cages during the laying cycle of the hens should thereby be avoided. In order to prevent distortions of competition, eggs derived from establishments using unenriched cages should be marketed only on the local market of Mayotte. In order to facilitate the necessary controls, eggs produced in unenriched cages should bear a special mark. [Am. 2]
- (5) In respect of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁶⁾, the proper implementation of that Directive as regards river basin management plans requires that France adopt and implement management plans containing technical and administrative measures to achieve good water status for, and to prevent the deterioration of all bodies of surface waters. A sufficient period of time needs to be granted for the adoption and implementation of such measures.

⁽¹⁾ OJ C 341, 21.11.2013, p. 97.

⁽²⁾ Position of the European Parliament of 12 December 2013.

⁽³⁾ OJ L 204, 31.7.2012, p. 131.

⁽⁴⁾ OJ L 135, 30.5.1991, p. 1.

⁽⁵⁾ OJ L 203, 3.8.1999, p. 53.

⁽⁶⁾ OJ L 327, 22.12.2000, p. 1.

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- (6) In respect of Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ⁽¹⁾, the current state of surface waters in Mayotte calls for considerable improvement in order to comply with the requirements of that Directive. The quality of bathing waters depends directly upon urban waste water treatment, and the provisions of Directive 2006/7/EC may only be complied with progressively once agglomerations that affect the quality of urban waste waters comply with the requirements of Directive 91/271/EEC. Therefore, specific time limits need to be adopted in order **to allow France to reach the Union standards as regards bathing water quality in Mayotte as a new outermost region and due to its special social, environmental and economic situation.** [Am. 3]
- (7) In the area of social policy, account should be taken of the difficulties to comply with Directive 2006/25/EC of the European Parliament and of the Council of 5 April 2006 on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation) ⁽²⁾ in Mayotte as from 1 January 2014. There are no technical facilities available in Mayotte **due to its prevailing special social and economic situation** for the implementation of measures necessary to comply with that Directive in the field of artificial optical radiation. Therefore, it is ~~possible~~ **appropriate** to grant a derogation to France from certain provisions of that Directive until 31 December 2017, provided that those structures are not available in Mayotte and without prejudice to the general principles of protection and prevention in the area of health and safety of workers. [Am. 4]
- (8) In order to guarantee a high level of protection of the health and safety of workers at work, the consultation with the social partners should be ensured, the risks resulting from the derogation should be reduced to a minimum and the workers concerned should benefit from reinforced health surveillance. It is important to reduce the duration of the derogation as much as possible. Therefore, the national derogating measures should be reviewed every year and withdrawn as soon as the circumstances justifying them no longer subsist.
- (9) In respect of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ⁽³⁾, its transposition requires a number of adaptations to ensure continuity of care and information to patients. It is therefore appropriate to grant France an additional period of 30 months from 1 January 2014 to bring into force the provisions necessary to comply with that directive in respect of Mayotte.
- (10) Directives 91/271/EEC, 1999/74/EC, 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 91/271/EEC

Directive 91/271/EEC is amended as follows:

- (1) In Article 3, the following paragraph 1a is inserted:

'1a. By way of derogation from the first and second subparagraph of paragraph 1, in respect of Mayotte France shall ensure that all agglomerations are provided with collecting systems for urban waste water:

— by 31 December 2020 at the latest for agglomerations of more than ~~10 000~~ **15 000** p.e., which will cover at least 70 % of the load generated in Mayotte; [Am. 5]

— by 31 December 2027 at the latest for all agglomerations **of more than 2 000 p.e.** [Am. 6]

- (2) In Article 4, the following paragraph 1a is inserted:

⁽¹⁾ OJ L 64, 4.3.2006, p. 37.

⁽²⁾ OJ L 114, 27.4.2006, p. 38.

⁽³⁾ OJ L 88, 4.4.2011, p. 45.

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'1a. By way of derogation from paragraph 1, in respect of Mayotte France shall ensure that urban waste water entering collecting systems shall, before discharge, be subject to secondary treatment or an equivalent treatment:

— by 31 December 2020 at the latest for agglomerations of more than 15 000 p.e. which, along with those agglomerations referred to in Article 5 (2a), will cover at least 70 % of the load generated in Mayotte;

— by 31 December 2027 at the latest for all agglomerations **of more than 2 000 p.e.**' [Am. 7]

(3) Article 5 is amended as follows:

(a) The following paragraph 2a is inserted:

'2a. By way of derogation from paragraph 2, in respect of Mayotte France shall ensure that urban waste water entering collecting systems shall before discharge into sensitive areas be subject to more stringent treatment than that described in Article 4:

— by 31 December 2020 at the latest for agglomerations of more than ~~10 000~~ **15 000** p.e. which, along with those agglomerations referred to in Article 4(1a), will cover at least 70 % of the load generated in Mayotte; [Am. 8]

— by 31 December 2027 at the latest for ~~all~~ agglomerations **of more than 2 000 p.e.**' [Am. 9]

(3a) In Article 7, the following paragraph is added:

'By way of derogation from the first paragraph, the time limit set out therein shall, in respect of Mayotte, be 31 December 2027.' [Am. 10]

(4) Article 17 is amended as follows:

(a) In paragraph 1, the following subparagraph is added:

'By way of derogation from the first subparagraph, in respect of Mayotte France shall establish a programme for the implementation of this Directive by 30 June 2014.'

(b) In paragraph 2, the following subparagraph is added:

'By way of derogation from the first subparagraph, in respect of Mayotte France shall provide the Commission with information on the programme by 31 December 2014.'

Article 2

Amendment to Directive 1999/74/EC

In Article 5 of Directive 1999/74/EC, the following paragraph is added:

'3. By way of derogation from paragraph 2, in Mayotte, laying hens ~~in lay on 1 January 2014 and may continue to be reared at that date~~ in cages as referred to in this Chapter ~~may continue to be reared in such cages until 31 December 2014~~ **2017.** [Am. 11]

From 1 January 2014, no cages as referred to in this Chapter may be built or brought into service for the first time in Mayotte.

Eggs derived from establishments rearing laying hens in cages as referred to in this Chapter shall only be placed on the local market of Mayotte. Those eggs and their packs shall be clearly identified with a special mark, allowing for the necessary controls. A clear description of this special mark shall be communicated to the Commission by 1 January 2014.'

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Article 3

Amendments to Directive 2000/60/EC

Directive 2000/60/EC is amended as follows:

(1) Article 4 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in points (a)(ii), (a)(iii), (b)(ii) and (c) shall be 22 December 2021.’

(b) in paragraph 4, the introductory sentence is replaced by the following:

‘The time limits established under paragraph 1 may be extended for the purposes of phased achievement of the objectives for bodies of water, provided that no further deterioration occurs in the status of the affected body of water when all the following conditions are met:’

(2) Article 11 is amended as follows:

(a) in paragraph 7, the following subparagraph is added:

‘As regards Mayotte, the time limits referred to in the first subparagraph shall be 22 December 2015 and 22 December 2018 respectively.’

(b) in paragraph 8, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 22 December 2021.’

(3) Article 13 is amended as follows:

(a) in paragraph 6, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 22 December 2015.’

(b) in paragraph 7, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 22 December 2021.’

Article 4

Amendments to Directive 2006/7/EC

Directive 2006/7/EC is amended as follows:

(1) Article 5 is amended as follows:

(a) in paragraph 2, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 31 December 2019.’

(b) in paragraph 3, the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 31 December 2031.’

(2) In Article 6(1), the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 30 June 2015.’

(3) In Article 13(2), the following subparagraph is added:

‘As regards Mayotte, the time limit referred to in the first subparagraph shall be 30 June 2014.’

Article 5

Amendment to Directive 2006/25/EC

In Directive 2006/25/EC, the following Article 14a is inserted:

‘Article 14a

1. Without prejudice to with the general principles of protection and prevention in the area of health and safety of workers, France may until 31 December 2017 derogate from the application of the provisions necessary to comply with this Directive in Mayotte provided that such application requires specific technical facilities and that such facilities are not available in Mayotte.

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The first subparagraph does not apply to the obligations in Article 5(1) of this Directive as well as to those provisions of this Directive which reflect the general principles set out in Directive 89/391/EEC.

2. All derogations from this Directive resulting from the application of measures existing on 1 January 2014 or from the adoption of new measures shall be preceded by a consultation with the social partners in accordance with national laws and practice. Such derogations shall be applied under conditions which guarantee, taking into account the particular circumstances prevailing in Mayotte, that the resulting risks for workers are reduced to a minimum and that the workers concerned benefit from reinforced health surveillance.

3. The national derogating measures shall be reviewed every year, after consultation with the social partners, and shall be withdrawn as soon as the circumstances justifying them no longer subsist.'

Article 6

Amendment to Directive 2011/24/EU

In Article 21 of Directive 2011/24/EU, the following paragraph 3 is added:

'3. By way of derogation from the first sentence of paragraph 1, France shall bring into force the laws, regulations and administrative provisions necessary to comply with this directive in respect of Mayotte by 30 June 2016.'

Article 7

Transposition

1. France shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive as follows:

- (a) in respect of Article 1(1), (2) and (3), by 31 December 2018;
- (b) in respect of Article 1(4), by the dates referred to in points (a) and (b) thereof respectively;
- (c) in respect of Article 2, by 1 January 2014;
- (d) in respect of Article 3(1), by 31 December 2018;
- (e) in respect of Article 3(2) and (3), by the dates referred to therein;
- (f) in respect of Article 4(1)(a), by 31 December 2018;
- (g) in respect of Article 4(1)(b), by 30 June 2021;
- (h) in respect of Article 4(2) and (3), by the dates referred to therein;
- (i) in respect of Article 5, by 1 January 2014, unless France does not make use of the possibility foreseen in that Article;
- (j) in respect of Article 6, by the date referred to therein.

France shall forthwith communicate to the Commission the text of those provisions.

When France adopts those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. France shall determine how such reference is to be made.

2. France shall communicate to the Commission the text of the main provisions of national law which it adopts in the field covered by this Directive.

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Article 8

Entry into force

This Directive shall enter into force on the ~~twentieth~~ day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2014. [Am. 12]

Article 9

Addressee

This Directive is addressed to the French Republic.

Done at ...,

For the European Parliament
The President

For the Council
The President

Thursday 12 December 2013

P7_TA(2013)0590

Union action for the ‘European Capitals of Culture’ for the years 2020 to 2033 ***I

European Parliament legislative resolution of 12 December 2013 on the proposal for a decision of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (COM(2012)0407 — C7-0198/2012 — 2012/0199(COD))

(Ordinary legislative procedure: first reading)

(2016/C 468/84)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0407),
 - having regard to Article 294(2) and Article 167(5) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0198/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinions of the Committee of the Regions of 15 February 2012 ⁽¹⁾ and 30 November 2012 ⁽²⁾,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Culture and Education (A7-0226/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2012)0199

Position of the European Parliament adopted at first reading on 12 December 2013 with a view to the adoption of Decision No .../2014/EU of the European Parliament and of the Council establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 and repealing Decision No 1622/2006/EC

[Amendment 84 (*)]

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 the first indent of Article 167(5) 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 opinions of the Committee of the Regions ⁽¹⁾,

⁽¹⁾ OJ C 113, 18.4.2012, p. 17.

⁽²⁾ OJ C 17, 19.1.2013, p. 97.

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

⁽¹⁾ OJ C 113, 18.4.2012, p. 17 and OJ C 17, 19.1.2013, p. 97.

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Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The Treaty on the Functioning of the European Union (TFEU) aims at an ever closer union among the peoples of Europe and confers on the Union the task, inter alia, of contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore. In this respect, the Union, where necessary, supports and supplements Member States' action to improve the knowledge and dissemination of the culture and history of the European peoples.
- (2) The **Commission's** communication **■** on a European agenda for culture in a globalizing world **■**, endorsed by the Council in a resolution of 16 November 2007 **■** ⁽²⁾ **and by the European Parliament in its resolution of 10 April 2008** ⁽³⁾, sets the objectives for future activities of the Union in the field of culture. These activities should promote cultural diversity and intercultural dialogue. They should also promote culture as a catalyst for creativity within the framework of growth and jobs, as well as a vital element in the Union's international relations.
- (2a) **The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which entered into force on 18 March 2007 and to which the Union is a party, aims at protecting and promoting cultural diversity, fostering interculturality and raising awareness of the value of cultural diversity at local, national and international levels.**
- (3) Decision No 1622/2006/EC of the European Parliament and of the Council ⁽⁴⁾ **■** established a Community action for the European Capital of Culture event for the years 2007 to 2019.
- (4) The evaluations of the European Capitals of Culture as well as the public consultation on the future of the action after 2019 reveal that the Capitals have progressively become one of the most ambitious cultural initiatives in Europe as well as one of the most appreciated by European citizens.
- (5) In addition to the original objectives of the European Capitals of Culture, which were to highlight the richness and diversity of European cultures and the features they share and to promote greater mutual understanding between European citizens, cities holding the title have also progressively added a new dimension by using the leverage effect of the title to stimulate the city's more general development **in accordance with their respective strategies and priorities.**
- (6) **The objectives of the European Capitals of Culture action** are fully in line with the objectives of the Creative Europe Programme established by Regulation (EU) No 1295/2013 of the European Parliament and of the Council ⁽⁵⁾ which aims to **safeguard, develop and** promote European cultural and linguistic diversity, **to promote Europe's cultural heritage** and to strengthen the competitiveness of the **European** cultural and creative sectors, **in particular of the audio-visual sector**, with a view to supporting smart, sustainable and inclusive growth. **They also help to strengthen the feeling of belonging to a common cultural area, and stimulate intercultural dialogue and mutual understanding.**
- (6a) **To achieve those objectives, it is important for the cities holding the title to seek to develop links between, on the one hand, their cultural and creative sectors, and, on the other hand, sectors such as education, research, environment, urban development or cultural tourism. In particular, past evidence show the potential of European Capitals of Culture in acting as a catalyst for local development and cultural tourism as highlighted in the**

⁽¹⁾ Position of the European Parliament of 12 December 2013.

⁽²⁾ OJ C 287, 29.11.2007, p. 1.

⁽³⁾ OJ C 247 E, 15.10.2009, p. 32.

⁽⁴⁾ Decision No 1622/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community action for the European Capital of Culture event for the years 2007 to 2019 (OJ L 304, 3.11.2006, p. 1).

⁽⁵⁾ 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 (OJ L 347, 20.12.2013, p. 221).

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Commission's Communication of 30 June 2010 entitled 'Europe, the world's No 1 tourist destination — a new political framework for tourism in Europe', welcomed by the Council in its conclusions of 12 October 2010 ⁽¹⁾ and endorsed by the European Parliament in its resolution of 27 September 2011 ⁽²⁾.

- (6b) *It is also important for cities holding the title to seek to promote social inclusion and equal opportunities and do their utmost to ensure the broadest possible involvement of all the components of civil society in the preparation and implementation of the cultural programme, with special attention being paid to marginalised and disadvantaged groups.*
- (7) The evaluations and the public consultation have **convincingly shown** that the European Capitals of Culture have many potential benefits when they are **carefully** planned. They remain first and foremost a cultural initiative, but they can also **bring** significant social and economic benefits, particularly when they are embedded **within** a long-term **culture-led** development strategy in the city concerned.
- (8) The European Capitals of Culture **action is** also highly challenging. Staging a year-long programme of cultural activities is demanding and some **European Capitals of Culture** have been more successful than others in capitalising on the potential. Therefore, the action should be reinforced in order to help all cities to make the most of the title.
- (9) The European Capital of Culture title should continue to be reserved to cities, **irrespective of their size**, but in order to reach a wider public and amplify the impacts, **those** cities should also continue to have the possibility of involving their surrounding **area**.
- (10) The award of the title of European Capital of Culture should continue to be based on a cultural programme created specifically for the European Capital of Culture, which should have a **strong** European dimension. **The** programme **should also** be part of a longer-term strategy **with a sustainable impact on the development of the local economic, cultural and social environment**.
- (11) The two-stage selection process based on a chronological list of Member States and carried out by a **panel** of independent experts (**the 'panel'**) has proven to be fair and transparent. It has enabled cities to improve their applications between the pre-selection and the final selection phase on the basis of expert advice received from the panel, and has ensured an equitable distribution of **European Capitals of Culture** across all Member States. **Furthermore, to safeguard the continuity of the action and avoid the loss of experience and know-how which would result from all members being replaced simultaneously, the replacement of panel members should be staggered.**
- (11a) **National expertise should continue to be ensured by allowing the Member States to appoint up to two experts to the panel responsible for the selection and monitoring of cities.**
- (12) The selection criteria should be **made** more explicit in order to give **better** guidance to the candidate cities **regarding the objectives and requirements they need to comply with in order to obtain the title of European Capital of Culture. The selection criteria should also be easier to measure** in order to help the panel in the selection and monitoring of cities. **In this regard, there should be a particular focus on the candidate cities' plans for legacy activities embedded in a long-term cultural policy strategy, which can generate a sustainable cultural, economic and social impact.**
- (13) The preparation phase between the designation of a city and the year of the title is of crucial importance for the success of a European Capital of Culture. There is **a broad** consensus among stakeholders that the accompanying measures introduced by Decision No 1622/2006/EC have been very useful for the cities. Those measures should be further developed, in particular through more frequent monitoring meetings and visits to the cities by panel members, and through an even stronger exchange of experience between past, present and future **European Capitals of Culture**, as well as candidate cities. **Designated cities may also develop further links with other European Capitals of Culture.**

⁽¹⁾ 14944/10.

⁽²⁾ OJ C 56 E, 26.2.2013, p. 41.

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- (14) The Melina Mercouri Prize has acquired a strong symbolic value which goes far beyond the actual amount of the prize which may be awarded by the Commission. However, in order to ensure that the designated cities fulfil their commitments, the conditions for payment of the prize should be made more stringent and explicit.
- (14a) Candidate cities should explore the possibility, where appropriate, of seeking financial support from Union programmes and funds.**
- (15) It is important that the cities concerned make clear in all their communication material that the European Capitals of Culture **is an action** of the Union.
- (16) The Commission's evaluations of the results of past European Capitals of Culture cannot provide primary data on the impact of the title and are based on data collected at a local level. Therefore, the cities themselves should be the key players in the evaluation process and should put in place effective measurement mechanisms.
- (17) **Past** experience **■** has shown that the participation of candidate countries can **help** to bring them closer to the Union by highlighting the common aspects of European cultures. The European Capitals of Culture should, therefore, be open again to the participation of candidate and potential candidate countries after 2019.
- (17a) However, for reasons of equity with the cities in the Member States, every city in candidate and potential candidate countries should only be allowed to participate in one competition during the period from 2020 to 2033. Furthermore, also for reasons of equity with Member States, each candidate country or potential candidate country should only be allowed to host the title once during the period from 2020 to 2033. Therefore, cities from those candidate and potential candidate countries which have already been awarded the title during the period covered by this Decision should not be allowed to participate in the subsequent competitions during that same period.**
- (18) In order to ensure uniform conditions for the implementation of this Decision and, in particular, the provisions concerning the designation of the European Capitals of Culture, implementing powers should be conferred on the Commission.
- (19) Decision **No** 1622/2006/EC should be repealed and replaced by this Decision. Its provisions should, however, continue to apply for all the European Capitals of Culture up to 2019 which were already designated or are in the process of being designated.
- (20) Since the objectives of this Decision, **namely to safeguard and promote the diversity of cultures in Europe, to highlight the common features they share and to foster the contribution of culture to the long-term development of cities**, cannot be sufficiently achieved by the Member States **given** the need, in particular, for common, clear and transparent criteria and procedures for the selection and the monitoring of the European Capitals of Culture, as well as for a strong coordination between the Member States, but can rather, **by reason of the scale and the expected effects of the action**, 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 European Union. In accordance with the principle of proportionality, as set out in that **Article**, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

Article 1

Establishment**■** A Union action **entitled** 'European Capitals of Culture' (**the 'action'**) **is hereby established** for the years 2020 to 2033.

Article 2

Objectives

1. The general objectives of the action shall be the following:
 - (a) to safeguard and promote the diversity of **cultures in Europe** and to highlight the common features they share, **as well as to increase citizens' sense of belonging to a common cultural space**;

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(b) to foster the contribution of culture to the long-term development of cities **in accordance with their respective strategies and priorities**.

2. The specific objectives of the action shall be the following:

(a) to enhance the range, diversity and European dimension of the cultural **offering** in cities, including through transnational cooperation;

(b) to widen access to and participation in culture;

(c) to strengthen the capacity of the cultural sector and its **links** with other sectors;

(d) to **raise** the international profile of cities through culture.

Article 3

Access to the action

-1. The competition for the European Capital of Culture title shall only be open to cities, which may involve their surrounding areas.

-1a. The number of European Capitals of Culture in a given year (the 'year of the title') shall not exceed three.

The designation shall apply each year to a maximum of one city in each of the two Member States appearing in the calendar set out in the Annex (the 'calendar') and, in the relevant years, to one city from candidate and potential candidate countries or to one city from a country that accedes to the Union in the circumstances set out in paragraph 3a.

1. Cities in Member States shall be entitled to be designated as European Capitals of Culture for one year **in accordance with the calendar**.

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3. Cities in candidate and potential candidate countries **which participate in the Creative Europe Programme or in the subsequent Union programmes supporting culture at the date of the publication of the call for submission of applications referred to in Article 10 may** apply for the European Capital of Culture title **for one year** in the framework of an open competition organised every third year █ in accordance with the calendar █.

█ Cities in candidate and potential candidate countries **shall only be allowed to participate in one competition during the period from 2020 to 2033.**

Furthermore, each candidate or potential candidate country shall only be allowed to host the title once during the period from 2020 to 2033.

3a. Countries acceding to the Union after the adoption of this Decision but before 31 December 2026 shall be entitled to host the European Capital of Culture title according to the rules and procedures applicable to Member States seven years after accession. The calendar shall be updated accordingly. Countries acceding to the Union after 31 December 2026 shall not be entitled to participate under this European Capital of Culture action as Member States.

However, in years where there are already three European Capitals of Culture according to the calendar, the cities in the countries acceding to the Union shall only be entitled to host the European Capital of Culture title in the next available year in the calendar, in order of their accession.

If a city from a country acceding to the Union has previously participated in a competition for candidate and potential candidate countries, it cannot participate in any subsequent competition for Member States. Where a city of an acceding country has been designated as European Capital of Culture during the period from 2020 to 2033 in accordance with paragraph 3, that country shall not be entitled to nominate another of its cities as a European Capital of Culture under this action after its accession.

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If more than one country accedes to the Union on the same date and if there is no agreement on the order of participation in the action between those countries, the Council shall organise a draw.

Article 4

Applications

2. A common application form based on the criteria laid down in Article 5 (*the 'application form'*) shall be prepared by the Commission and used by all candidate cities. **Where a city involves its surrounding area, the application shall be made under the name of the city.**

3. Every application shall be based on a cultural programme with a strong European dimension. **The cultural programme shall last one year and shall be created specifically for the European Capital of Culture title, in accordance with the criteria laid down in Article 5.**

Article 5

Criteria

The criteria for the assessment of the applications (*the 'criteria'*) are divided into six categories: '**contribution to the long-term strategy**', '**European dimension**', '**cultural and artistic content**', '**capacity to deliver**', 'outreach' and 'management'.

1. As regards the '**contribution to the long-term strategy**', the following factors shall be **taken into account**:

- (a) **the fact that a cultural strategy for the city is in place at the time of the application, which includes the European Capitals of Culture action and plans for sustaining the cultural activities beyond the year of the title;**
- (b) **the plans to strengthen the capacity of the cultural and creative sectors, including developing long-term links between the cultural, economic and social sectors in the city concerned;**

(d) **the envisaged long-term cultural, social and economic impact, including urban development, that the title would have on the city;**

(e) **the plans for the monitoring and the evaluation of the impact of the title on the city and for disseminating the results of the evaluation.**

4. As regards the '**European dimension**', the following factors shall be assessed:

- (a) **the scope and quality of activities promoting the cultural diversity of Europe, intercultural dialogue and greater mutual understanding between European citizens;**
- (b) **the scope and quality of activities highlighting the common aspects of European cultures, heritage and history, as well as European integration and current European themes;**
- (c) **the scope and quality of activities featuring European artists, cooperation with operators or cities in different countries including, where appropriate, other European Capitals of Culture, and transnational partnerships;**
- (d) **the strategy to attract the interest of a broad European and international public.**

4a. As regards the 'cultural and artistic content', the following factors shall be assessed:

- (a) **a clear and coherent artistic vision and strategy for the cultural programme of the year;**
- (b) **the involvement of local artists and cultural organisations in the conception and implementation of the cultural programme;**
- (c) **the range and diversity of the activities proposed and their overall artistic quality;**

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(d) *the capacity to combine local cultural heritage and traditional art forms with new, innovative and experimental cultural expressions.*

4b. *As regards the ‘capacity to deliver’, the candidate cities shall demonstrate that:*

(a) *the application has broad and strong political support and a sustainable commitment from the local, regional and national authorities;*

(b) *the city has, or will have, adequate and viable infrastructure to host the title.*

5. As regards ‘outreach’, the following factors shall be assessed:

(a) the involvement of the local population and civil society in the preparation of the application and the implementation of the European Capital of Culture;

(b) the creation of new and sustainable opportunities for a wide range of citizens to attend or participate in cultural activities, in particular young people, **volunteers** and the marginalised and disadvantaged, including minorities. Special attention shall also be given **█** to the accessibility of these activities to persons with disabilities and the elderly;

(c) the overall strategy for audience development, and in particular the link with education and the participation of schools.

6. As regards ‘management’, the following factors shall be assessed:

(a) the feasibility of the **fund-raising strategy and** proposed budget, **which includes, where appropriate, plans to seek financial support from Union programmes and funds.** This budget shall cover the preparation phase, the year of the title in itself, **the evaluation** and provisions for the legacy activities, **and contingency planning;**

(b) the envisaged governance **█** and delivery **structure** for the implementation of the European Capital of Culture, **which shall include provision for appropriate cooperation between the local authority and the delivery structure, including the artistic team;**

(c) the **procedures for the** appointment **█** of the **general and** artistic **directors** and **their fields** of action;

(d) the **marketing and** communication strategy, **which** shall be comprehensive and shall highlight that the European Capitals of Culture **is an action** of the Union;

(da) *the existence of a delivery structure the staff of which have the appropriate skills and experience to plan, manage and deliver the cultural programme for the year of the title.*

Article 6

Expert panel

1. A **█** panel of independent experts (**the █** panel) shall be established to carry out the selection and monitoring procedures.

1a. *The panel shall consist of 10 experts appointed by Union institutions and bodies in accordance with paragraph 2 (the ‘European experts’).*

In addition, for the selection and monitoring of the city from a Member State, the Member State concerned shall be entitled to appoint up to two experts (the ‘national experts’) in accordance with its own procedures and in consultation with the Commission.

2. **█**

After organising a call for expressions of interest, the Commission shall propose a pool of potential European experts.

The European Parliament, the Council and the Commission shall subsequently select three experts each from **the** pool and appoint them in accordance with their respective procedures. The Committee of the Regions shall select one expert **from the pool** and appoint **that expert** in accordance with its procedures.

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When selecting European experts, each of those Union institutions and bodies shall seek to ensure **complementarity of the competences**, a balanced geographical **distribution and gender balance in the overall composition of the panel**.

2a. All experts shall be citizens of the Union. They shall be independent and have substantial experience and expertise in the cultural sector, in the cultural development of cities, or in the organisation of a European Capital of Culture or an international cultural event of similar scope and scale. The experts shall also be in a position to devote an appropriate number of working days per year to the panel.

The panel shall designate its chairperson.

3. The European experts shall be appointed for a period of three years.

Notwithstanding the first subparagraph, as regards the first establishment of the panel, the European Parliament shall appoint its experts for three years, the Council for one year, the Commission for two years and the Committee of the Regions for one year.

4. All experts of the panel shall declare any actual or potential conflict of interest in respect of a specific candidate city. In the event of such a declaration by an expert, or if such a conflict of interest comes to light, that expert shall resign and the relevant Union institution or body or Member State shall replace that expert for the remainder of the mandate, in accordance with the relevant procedure.

5. The Commission shall publish, on its website, all reports of the panel.

Article 7

Submission of applications in the Member States

1. Each Member State shall be responsible for the organisation of the competition between its cities in accordance with the calendar.

2. The Member States shall publish a call for submission of applications at least six years before the year of the title.

By way of derogation, those Member States which are entitled to nominate a European Capital of Culture in 2020 shall publish such a call as soon as possible after ... (*).

Each call for submission of applications, aimed at the candidate cities for the title, shall contain the application form.

The deadline for the submission of applications by candidate cities under each call for submission of applications shall be scheduled at the earliest 10 months after its publication.

3. Applications shall be notified to the Commission by the Member State concerned.

Article 8

Pre-selection in the Member States

1. Each Member State concerned shall convene the panel for a pre-selection meeting with the candidate cities at least five years before the year of the title.

2. The panel, after assessing the applications according to the criteria, shall agree on a short-list of candidate cities and shall issue a pre-selection report on all the applications providing, inter alia, recommendations to the short-listed candidate cities.

3. The panel shall submit the pre-selection report to the Member States concerned and to the Commission. Each of the Member States concerned shall formally approve the short-list based on the report of the panel.

(*) Date of the entry into force of this Decision.

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Article 9

Selection in the Member States

1. The short-listed candidate cities shall complete **and revise** their applications **with a view to complying with the criteria as well as taking into account** the recommendations **contained in the pre-selection report**, and **shall submit** them to the Member **State** concerned, which shall then **transmit** them to the Commission.
2. Each Member **State** concerned shall convene the panel for a final selection meeting with the short-listed candidate cities **no later than** nine months after the pre-selection meeting.

Where necessary, the Member State concerned, in consultation with the Commission, may extend that deadline for a reasonable period.

3. The panel shall **assess** the completed **and revised** applications.
4. The panel shall issue a **selection** report on the applications with a recommendation for the nomination of one city in the Member State concerned as European Capital of Culture. However, if none of the candidate cities fulfils **all** the criteria, the panel may recommend that the title should not be awarded that year.

The **selection** report shall also contain recommendations to the city **concerned regarding** the progress to be made by the year of the title.

The **panel** shall **submit the selection report** to the Member State concerned and to the Commission.

Article 10

Pre-selection and selection in candidate and potential candidate countries

1. The Commission shall be responsible for the organisation of the competition between cities in candidate and potential candidate countries.
2. The Commission shall publish in the *Official Journal of the European Union* a call for submission of applications **at least** six years before the year of the title.

Each call for submission of applications, aimed at the candidate cities for the title, shall contain the application form.

The deadline for submitting applications under each call for submission of applications shall be scheduled at the earliest 10 months after its publication.

█

4. The pre-selection of the cities shall be carried out by the panel **at least** five years before the year of the title, on the basis of the application **form**. No meeting with the candidate cities **shall** be organised.

The panel, **after assessing** the applications according to the criteria, shall agree on a short-list of candidate cities and **shall** issue a **pre-selection** report on **all** the applications **providing, inter alia**, recommendations to the short-listed candidate cities. **The panel shall submit its pre-selection report** to the Commission.

5. The short-listed candidate cities shall complete **and revise** their applications **with a view to complying with** the criteria **as well as taking into account** recommendations **contained in** the pre-selection **report**, and **shall submit** them to the Commission.

The Commission shall convene the panel for a final selection meeting with the **short-listed** cities **no later than** nine months after the pre-selection **meeting**. **Where necessary, the Commission may extend that deadline for a reasonable period.**

The panel shall **assess** the completed **and revised** applications.

It shall issue a **selection** report on the applications of the short-listed candidate cities together with a recommendation for the nomination as European Capital of Culture of a maximum of one city in one candidate country or potential candidate country.

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However, if none of the candidate cities fulfil all the criteria, the [] panel may recommend that the title should not be awarded that year.

The **selection** report shall also contain recommendations to the [] city **concerned regarding** the progress [] to be made by the year of the title.

The panel shall submit its selection report [] to the Commission [] .

Article 11

Designation

The Commission shall, by means of implementing acts, officially designate the European Capitals of Culture, having due regard to the recommendations of the [] panel. The Commission shall inform the European Parliament, the Council and the Committee of the Regions of its designation.

Article 12

Cooperation between the designated cities

Cities designated for the same year shall seek to develop links between their cultural programmes **and** the cooperation **may be considered** in the framework of the monitoring procedure as laid down in Article 13.

Article 13

Monitoring

1. The [] panel shall monitor the preparation of the European Capitals of Culture and provide the cities with support and guidance from the time of their designation to the beginning of the year of the title.

2. To **that** end, the Commission shall convene **three meetings which shall be attended by** the [] panel and the **designated** cities [] : the first meeting shall take place three years before the [] year of the title; the second meeting shall take place 18 months before [] the year of the title and the third meeting shall take place two months before the [] year of the title. The Member State **or candidate or potential candidate** country concerned may nominate an observer to those meetings.

The cities shall issue progress reports to the Commission six weeks before each of the meetings.

During the meetings, the [] panel shall take stock of the preparations and give advice with a view to helping the cities to develop a high-quality **cultural** programme and an effective strategy. The panel shall pay special attention to the recommendations laid down in the selection report and in the preceding monitoring reports.

3. After each meeting, the [] panel shall issue a report on the state of preparations and any steps to be taken.

The panel shall transmit its monitoring reports [] to the Commission, **as well as** to the cities and Member States or **countries** concerned. []

4. In addition to the monitoring meetings, the Commission may organise visits by **the** panel [] to the designated cities whenever necessary.

Article 14

Prize

1. [] The Commission **may** award a pecuniary prize (**the 'prize'**) in honour of Melina Mercouri to **a** designated **city subject to the funding made available under the relevant multiannual financial framework**.

The legal and financial aspects of **the** prize shall be dealt with in the framework of the respective Union programmes supporting culture.

2. [] The prize shall be paid no later than the end of **March** of the year of the title, provided that the city **concerned** keeps to the commitments it made at the application stage, **complies with the criteria and takes into account the** recommendations **contained** in the selection and monitoring reports [] .

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The commitments made at the application stage shall be deemed to have been adhered to by the designated city where no substantial change was made to the programme and strategy between the application stage and the year of the title, and in particular where:

- (a) the budget **was maintained at a level capable of delivering a high-quality cultural programme in line with the application and the criteria;**
- (b) the independence of the artistic team was **appropriately** respected;
- (c) the European dimension remained sufficiently strong in the final version of the cultural programme;
- (d) the **marketing and** communication strategy and the communication material used by the **designated** city clearly reflect the fact that the European Capitals of Culture **is an action** of the Union;
- (e) the plans for the monitoring and evaluation of the impacts of the title on the city concerned are in place.

Article 15

Practical arrangements

The Commission shall in particular:

- (a) ensure the overall coherence of the action;
- (b) ensure coordination between the Member States and the █ panel;
- (c) in the light of the objectives and criteria, establish guidelines to assist with the selection and monitoring procedures in close cooperation with the █ panel;
- (d) provide **technical** support to the █ panel;
- (e) make public all relevant information and contribute to the visibility of the action at European **and international** level;
- (f) foster the exchange of experience and of **good** practices between past, present and future **European Capitals of Culture**, as well as candidate cities, **and promote wider dissemination of the cities' evaluation reports and lessons learned.**

Article 16

Evaluation

1. The evaluation of the results of each European Capital of Culture shall be █ the responsibility of the █ city **concerned.**

The Commission shall establish common guidelines and indicators for the cities based on the objectives and the criteria █ in order to ensure a coherent approach to the evaluation procedure.

The cities shall **produce** their evaluation reports **and transmit them** to the Commission by 31 **December** of the year following the year of the title █. The Commission shall publish **the evaluation** reports **on its website.**

2. In addition to the cities' evaluations, the Commission shall also ensure **that** external and independent evaluation of the results of the **action are produced** on a regular basis. █

The external and independent **evaluation** shall **focus on putting all past** European Capitals of Culture **in a European context, allowing for comparisons and drawing useful lessons for future European Capitals of Culture, as well as for all European cities. It shall also assess the** action as a whole, including the efficiency of the processes involved in running it, **its impact** █ and how it could be improved.

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The Commission shall present to the European Parliament, the Council and the Committee of the Regions **the following reports based on those evaluations, accompanied, where appropriate, by relevant proposals:**

- (a) a first interim **report** by 31 December 2024;
- (b) a second interim **report** by 31 December 2029;
- (c) an ex-post **report** by 31 December 2034.

Article 17

Repeal and transitional provisions

Decision No 1622/2006/EC is hereby repealed. It shall however continue to apply in the case of cities which have been designated or are in the process of being designated as European Capitals of Culture for the years from 2012 to 2019.

Article 18

Entry into force

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at

For the European Parliament
The President

For the Council
The President

ANNEX

Calendar

2020	Croatia	Ireland	
2021	Romania	Greece	Candidate or potential candidate country
2022	Lithuania	Luxembourg	
2023	Hungary	United Kingdom	
2024	Estonia	Austria	Candidate or potential candidate country
2025	Slovenia	Germany	
2026	Slovakia	Finland	
2027	Latvia	Portugal	Candidate or potential candidate country
2028	Czech Republic	France	

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2029	Poland	Sweden	█
2030	Cyprus	Belgium	<i>Candidate or potential candidate country</i>
2031	Malta	Spain	
2032	Bulgaria	Denmark	█
2033	Netherlands	Italy	<i>Candidate or potential candidate country</i>

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P7_TA(2013)0591

Amending certain regulations in the field of fisheries and animal health by reason of the change of status of Mayotte *I****European Parliament legislative resolution of 12 December 2013 on the proposal for a regulation of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union (COM(2013)0417 — C7-0175/2013 — 2013/0191(COD))****(Ordinary legislative procedure: first reading)**

(2016/C 468/85)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0417),
 - having regard to Article 294(2) and Articles 43(2) and 168(4) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0175/2013),
 - having regard to Articles 349 and 355(1) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to the Council letter of 10 October 2013 ⁽¹⁾,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 September 2013 ⁽²⁾,
 - having regard to Rules 55 and 37 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Regional Development (A7-0425/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TC1-COD(2013)0191**Position of the European Parliament adopted at first reading on 12 December 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending certain Regulations in the field of fisheries and animal health by reason of the change of status of Mayotte with regard to the Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), ~~and~~ Article 168(4) (b) **and Article 349** thereof, [**Am. 1**]⁽¹⁾ Item 4 of the Minutes of 21 October 2013 (P7_PV(2013)10-21).⁽²⁾ OJ C 341, 21.11.2013, p. 97.

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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 ⁽²⁾,

Whereas:

- (1) By Decision 2012/419/EU ⁽³⁾, the European Council amended the status of Mayotte with regard to the Union with effect from 1 January 2014. Therefore, from that date Mayotte will cease to be an overseas territory ~~to~~ **and** become an outermost region within the meaning of Articles 349 and 355(1) **of the Treaty on the Functioning of the European Union** (TFEU). **Following this change in Mayotte's legal status**, Union law will apply to Mayotte from 1 January 2014. It is appropriate to provide for certain specific measures justified by the particular **structural, social and economic** situation of Mayotte ~~in a number of areas~~ **which is compounded by its remoteness, insularity, small size, difficult topography and climate**. [Am. 2]
- (2) In the field of fisheries and animal health, the following Regulations should be amended.
- (3) As regards Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ⁽⁴⁾, the waters around Mayotte should be included within the scope of that Regulation and the use of purse-seines on tuna and tuna-like schools of fish inside the area within 24 **nautical** miles from the baselines of the island should be prohibited in order to preserve the shoals of large migratory fish in the vicinity of the island of Mayotte. [Am. not concerning all languages]
- (4) As regards Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽⁵⁾, in view of the very fragmented and under-developed marketing schemes of Mayotte, the application of the rules on the labelling of fishery products would impose on retailers a burden that is disproportionate to the information that will be transmitted to the consumer. It is therefore appropriate to provide for a temporary derogation from the rules concerning the labelling of fishery products offered for retail sale to the final consumer in Mayotte.
- (5) As regards Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽⁶⁾, specific measures should be introduced with respect to the fleet register and the access regime.
- (6) First, an important part of the fleet flying the flag of France and operating from the French Department of Mayotte is composed by vessels of less than ~~9~~ **10** meters which are dispersed around the island, have no specific landing sites and still need to be identified, measured and equipped with minimum safety implements in order to be included in the register of Union fishing vessels; as a consequence, France will not be able to complete this register until 31 December ~~2016~~ **2020**. France should, however, install a provisional fleet register guaranteeing minimum identification of the vessels of this segment in order to avoid proliferation of informal fishing vessels. [Am. 4]
- (7) Second, it is necessary for the protection of the sensitive **ecological and** biological situation of the waters around Mayotte and the preservation of the local economy of that island, having regard to its structural, social and economic situation, to limit certain fishing activities in those waters to vessels registered in the ports of that island. [Am. 5]

⁽¹⁾ OJ C 341, 21.11.2013, p. 97.

⁽²⁾ Position of the European Parliament of 12 December 2013.

⁽³⁾ OJ L 204, 31.7.2012, p. 131.

⁽⁴⁾ OJ L 125, 27.4.1998, p. 1.

⁽⁵⁾ OJ L 17, 21.1.2000, p. 22.

⁽⁶⁾ OJ L 320, 5.12.2001, p. 7.

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- (8) As regards Council Regulation (EC) No 639/2004 of 30 March 2004 on the management of fishing fleets registered in the Community outermost regions ⁽¹⁾, a particular feature of Mayotte is that no objective has been set for its fleet under Regulation (EC) No 2371/2002 which refers to the Multiannual Guidance Programme 1997-2002. From the point of view of conservation of fish resources, it is appropriate to freeze the fishing capacity of the fleets at current levels, especially for the segment of large vessels with a great fishing capacity. However, for smaller vessels, in view of the fact that France presented to the Indian Ocean Tuna Commission (IOTC) a development plan indicating the expected evolution of the fleet based in Mayotte, to which no IOTC contracting party, including the Union, has objected, it is appropriate, **due to the current specific social and economic circumstances of Mayotte**, to use the objectives of that plan as reference levels for the capacity of the fleet registered in the ports of Mayotte and to allow France to increase its fleet up to the objectives of its development plan. [Am. 6]
- (9) As regards Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ⁽²⁾, it should be noted that Mayotte has no industrial capacity for the processing of animal by-products. It is therefore appropriate to allow France a period of five years in order to establish the infrastructure necessary for the identification, handling, transport, treatment and disposal of animal by-products in Mayotte in full compliance with Regulation (EC) No 1069/2009.
- (10) As regards Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽³⁾, it appears that France will not be in a position to comply with all Union control obligations for the segment 'Mayotte. Pelagic and demersal species. Length < ~~9m~~ **10m**' of the fleet of Mayotte by the date on which Mayotte becomes an outermost region. The vessels of that segment, dispersed around the island, have no specific landing sites and still need to be identified. In addition, it is necessary to train fishermen and controllers and to set up the appropriate administrative and physical infrastructure. It is therefore necessary to provide for a temporary derogation from certain rules concerning the control of fishing vessels and their characteristics, their activities at sea, their gear and their catches at all stages from the vessel to the market in respect of that segment of the fleet. However, in order to attain at least some of the most important objectives of Regulation (EC) No 1224/2009, France should establish a national control system allowing it to control and monitor the activities of that segment of the fleet and to comply with the international reporting obligations of the Union. [Am. 7]
- (11) Regulations (EC) No 850/98, (EC) No 104/2000, (EC) No 2371/2002, (EC) No 639/2004, (EC) No 1069/2009 and (EC) No 1224/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 850/98

Regulation (EC) No 850/98 is amended as follows:

- (1) In Article 2(1), point (h) is replaced by the following:

'(h) Region 8:

All waters off the coasts of the French departments of Réunion and Mayotte that come under the sovereignty or jurisdiction of France.;

⁽¹⁾ OJ L 102, 7.4.2004, p. 9.

⁽²⁾ OJ L 300, 14.11.2009, p. 1.

⁽³⁾ OJ L 343, 22.12.2009, p. 1.

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(1a) In Article 2, the following paragraph is inserted:

'3a. The "Marine Natural Park of Mayotte" shall mean the entire exclusive economic zone (EEZ) of Mayotte (68 381 km²). The land area of the park shall extend to the upper foreshore, which marks the boundary of the maritime public domain.' [Am. 8]

(2) The following article is inserted after Article 34:

'Article 34a

Restrictions on fishing activities in the 24-mile zone around the island of Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish inside the areas within 24 **nautical** miles of the coasts of the island of Mayotte, measured from the baselines from which territorial waters are measured. [Am. not concerning all languages]

Fishing under drifting fish aggregating devices (FADs) and under large marine mammals and whale sharks (natural FADs) shall be prohibited in the whole of the Mayotte Marine Natural Park.' [Am. 10]

Article 2

Amendment to Regulation (EC) No 104/2000

In Article 4 of Regulation (EC) No 104/2000, the following paragraph is inserted after paragraph 3:

'3a. Until ~~16~~ 31 December ~~2016~~ 2021, paragraphs 1, 2 and 3 shall not apply to products offered for retail sale to the final consumer in Mayotte.' [Am. 11]

Article 3

Amendments to Regulation (EC) No 2371/2002

Regulation (EC) No 2371/2002 is amended as follows:

(1) In Article 15, the following paragraphs are added:

'5. By way of derogation from paragraph 1, France shall be exempted until 31 December ~~2016~~ 2021 from the obligation to include in its register of Union fishing vessels those vessels which are less than ~~9~~ 10 meters in overall length and operate from Mayotte. [Am. 12]

6. Until 31 December ~~2016~~ 2021, France shall keep a provisional register of fishing vessels which are less than ~~9~~ 10 meters in overall length and operate from Mayotte. That register shall contain, for each vessel, at least its name, its overall length and an identification code.' [Am. 13]

(2) The following article is inserted after Article 18:

'Article 18a

Mayotte

By way of derogation from Article 17, in the waters up to 100 nautical miles from the baselines of Mayotte **and in the whole of the Mayotte Marine Natural Park**, France may **adopt the conservation measures considered necessary for the preservation of the natural resources protected by the legislation establishing that park, including measures to restrict fishing to fishing vessels registered in the ports of Mayotte, either in the register of Union vessels or in the provisional register referred to in Article 15(6), except for Union vessels that, within the two years preceding 1 January 2014, fished in those waters for at least 40 days insofar as they do not exceed the fishing effort traditionally exerted.** [Am. 14]

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Article 4

Amendment to Regulation (EC) No 639/2004

In Regulation (EC) No 639/2004, the following article is inserted after Article 1:

'Article 1a

Fleet of Mayotte

1. By way of derogation from Article 1(1)(a), the reference levels for fishing vessels registered in the ports of Mayotte, either in the register of Union vessels or in the provisional register referred to in Article 15(6) of Regulation (EC) No 2371/2002, shall be the capacity of that fleet at 31 December 2013.

However, for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than ~~9~~ **10** meters in overall length, the reference level shall be the capacity foreseen in the development plan presented by France to the Indian Ocean Tuna Commission on 7 January 2011. [**Am. 15**]

2. By way of derogation from Article 13 of Regulation (EC) No 2371/2002, France shall be authorised to introduce new capacity in the fleet segments defined for fishing vessels which are between 8 and 12 meters in overall length and use longlines and fishing vessels which are less than ~~9~~ **10** meters in overall length without the withdrawal of an equivalent capacity.' [**Am. 16**]

Article 5

Amendment to Regulation (EC) No 1069/2009

In Regulation (EC) No 1069/2009, Article 56 is replaced by the following:

'Article 56

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 4 March 2011.

However, Article 4 shall apply to Mayotte from 1 January ~~2019~~ **2021**. Animal by-products and derived products generated in Mayotte before 1 January ~~2019~~ **2021** shall be disposed of in accordance with Article 19(1)(b). [**Am. 17**]

This Regulation shall be binding in its entirety and directly applicable in all Member States.'

Article 6

Amendment to Regulation (EC) No 1224/2009

In Regulation (EC) No 1224/2009, the following article is inserted after Article 2:

'Article 2a

Application of the Community control system to certain segments of the fleet of ~~the French overseas department~~ **the outermost region** of Mayotte [**Am. 18**]

1. Until 31 December ~~2016~~ **2021**, Article 5(3) and Articles 6, 8, 41, 56, 58 to 62, 66, 68 and 109 shall not apply to France in respect of fishing vessels which are less than ~~9~~ **10** meters in overall length and operate from Mayotte, their activities and their catch. [**Am. 19**]

2. By 1 January ~~2014~~ **2015**, France shall establish a national scheme of control applicable to fishing vessels which are less than ~~9~~ **10** meters in overall length and operate from Mayotte. That scheme shall comply with the following requirements: [**Am. 20**]

(a) a single authority, located in Mayotte, shall coordinate the control activities of all local authorities;

(b) control, inspection and enforcement shall be carried out on a non-discriminatory basis;

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- (c) the scheme shall ensure the control of catches of species subject to management under the Indian Ocean Tuna Commission and of species subject to protection;
- (d) the scheme shall ensure the control of access to waters around Mayotte, in particular to areas subject to access restrictions applicable to certain segments of the fleet;
- (e) the scheme shall set as a priority the objective of mapping fishing activities around the island with a view to prepare the grounds for targeted action in terms of control.

3. By 30 September ~~2014~~ **2015** France shall present to the Commission an action plan setting out the measures to be taken in order to ensure the full implementation of Regulation (EC) No 1224/2009 from 1 January ~~2017~~ **2018** concerning fishing vessels which are less than ~~9~~ **10** meters in overall length and operate from the ~~French department~~ **outermost region** of Mayotte. The action plan shall be the subject of a dialogue between France and the Commission. France shall take all necessary measures to implement that action plan. **[Am. 21]**

Article 7

Entry into force

This Regulation shall enter into force on ~~the twentieth day following that of its publication in the Official Journal of the European Union~~ **1 January 2014**. **[Am. 22]**

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

Thursday 12 December 2013

P7_TA(2013)0592

Commission Delegated Regulation (EU) amending Annexes I, II and IV of Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences**European Parliament decision of 12 December 2013 to raise no objections to the Commission delegated regulation of 30 October 2013 amending Annexes I, II and IV of Regulation (EU) No 978/2012 applying a scheme of generalised tariff preferences (C(2013)07167 — 2013/2929(DEA))**

(2016/C 468/86)

The European Parliament,

- having regard to the Commission delegated regulation (C(2013)07167),
 - having regard to the Commission's letter of 25 November 2013 asking Parliament to declare that it will raise no objections to the delegated regulation,
 - having regard to the letter of 2 December 2013 from the Committee on International Trade to the Chair of the Conference of Committee Chairs,
 - having regard to Article 290 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Articles 3(2), 5(3) and 17(2) thereof,
 - having regard to Rule 87a(6) of its Rules of Procedure,
- A. whereas the Commission has stressed that it is essential for Parliament to adopt its decision before 16 December 2013, given the need for the delegated regulation to be published before 1 January 2014, enabling the timely reinstatement of Myanmar/Burma and the inclusion of South Sudan in the GSP scheme;
1. Declares that it has no objections to the delegated regulation;
 2. Instructs its President to forward this decision to the Council and the Commission.

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

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