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## Information and Notices

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*The Minutes of this session have been published in OJ C 211, 30.6.2017.*

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*The Minutes of this session have been published in OJ C 217, 6.7.2017.*

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*Key to symbols used*

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

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

Amendments by Parliament:

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

**EUROPEAN PARLIAMENT**

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TEXTS ADOPTED

Tuesday 10 May 2016

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8\_TA(2016)0211

**New territorial development tools in cohesion policy 2014-2020**

**European Parliament resolution of 10 May 2016 on new territorial development tools in cohesion policy 2014-2020: Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD) (2015/2224(INI))**

(2018/C 076/01)

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union and in particular Title XVIII thereof,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(1)</sup> (hereinafter ‘the CPR’),
- having regard to Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 <sup>(2)</sup>,
- having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 <sup>(3)</sup>,
- having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council <sup>(4)</sup>,
- having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal <sup>(5)</sup>,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 320.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 289.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 487.

<sup>(4)</sup> OJ L 149, 20.5.2014, p. 1.

<sup>(5)</sup> OJ L 347, 20.12.2013, p. 259.

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- having regard to the ‘Territorial agenda of the EU 2020’, agreed at the Informal Ministerial Meeting of Ministers responsible for Spatial Planning and Territorial Development, in Gödöllő, on 19 May 2011,
- having regard to the opinion of the Committee of the Regions of 29 November 2012 on Community-led Local Development <sup>(1)</sup>,
- having regard to the opinion of the Committee of the Regions of 9 July 2015 on the Outcome of the negotiations on the partnership agreements and operational programmes <sup>(2)</sup>,
- having regard to the opinion of the European Economic and Social Committee of 11 December 2014 on Community Led Local Development (CLLD) as a tool of Cohesion Policy 2014-2020 for local, rural, urban and peri-urban development (exploratory opinion at the request of the Greek Council presidency) <sup>(3)</sup>,
- having regard to its resolution of 15 November 2011 on demographic change and its consequences for the future cohesion policy of the EU <sup>(4)</sup>,
- having regard to its resolution of 15 January 2013 on optimising the role of territorial development in cohesion policy <sup>(5)</sup>,
- having regard to its resolution of 14 January 2014 on EU Member States preparedness to an effective and timely start of the new Cohesion Policy Programming period <sup>(6)</sup>,
- having regard to its resolution of 26 November 2015 entitled ‘Towards simplification and performance orientation in cohesion policy 2014-2020’ <sup>(7)</sup>,
- having regard to the briefing entitled ‘Tools to support the territorial and urban dimension in cohesion policy: Integrated territorial investment (ITI) and Community-led Local Development (CLLD)’, Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies, European Parliament, October 2015,
- having regard to the study entitled ‘Territorial governance and Cohesion Policy’, Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies, European Parliament, July 2015,
- having regard to the study entitled ‘Strategic coherence of Cohesion Policy: comparison of the 2007-13 and 2014-20 programming periods’, Directorate-General for Internal Policies, Department B: Structural and Cohesion Policies, European Parliament, February 2015,
- having regard to the Commission’s sixth report on ‘Economic, social and territorial cohesion: Investment for jobs and growth — Promoting development and good governance in EU regions and cities’, July 2014,
- having regard to the study entitled ‘Territorial Agenda 2020 put in practice — Enhancing the efficiency and effectiveness of Cohesion Policy by a place-based approach’, volume II — case studies, European Commission, May 2015,
- having regard to the report entitled ‘How to strengthen the territorial dimension of “Europe 2020” and EU Cohesion Policy based on the Territorial Agenda 2020’, prepared at the request of the Polish Presidency of the Council of the European Union, September 2011,

<sup>(1)</sup> OJ C 17, 19.1.2013, p. 18.

<sup>(2)</sup> OJ C 313, 22.9.2015, p. 31.

<sup>(3)</sup> OJ C 230, 14.7.2015, p. 1.

<sup>(4)</sup> OJ C 153 E, 31.5.2013, p. 9.

<sup>(5)</sup> OJ C 440, 30.12.2015, p. 6.

<sup>(6)</sup> Texts adopted, P7\_TA(2014)0015.

<sup>(7)</sup> Texts adopted, P8\_TA(2015)0419.

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- having regard to the report entitled 'Job Creation and Local Economic Development', Organisation for Economic Co-operation and Development (OECD), November 2014,
  - having regard to the report entitled 'Local Economic Leadership', Organisation for Economic Co-operation and Development (OECD), 2015,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Employment and Social Affairs (A8-0032/2016),
- A. whereas territorial cohesion is a fundamental objective of the European Union, enshrined in the Lisbon Treaty;
- B. whereas the 2014-2020 generation of cohesion policy provides for and encourages the use of integrated and place-based approaches in order to foster economic, social and territorial cohesion while also promoting territorial governance;
- C. whereas integrated and place-based approaches are intended to improve the performance and efficiency of public interventions by meeting the specific requirements of the territories and helping to make them more attractive;
- D. whereas CLLD and ITI are innovative instruments in cohesion policy, which some Member States will implement in this form for the first time and which can contribute significantly to the achievement of economic, social and territorial cohesion, the creation of quality local jobs, sustainable development and attainment of the Europe 2020 objectives;
- E. whereas the new ITI and the CLLD initiatives represent step changes in the ability of local stakeholders to combine funding streams and plan well-targeted local initiatives;
- F. whereas the empowerment of regional and local organisations is essential for the full implementation of the policy of economic, social and territorial cohesion; whereas innovative approaches, prioritising local knowledge to address local problems with local solutions, have assumed growing importance; whereas participatory governance, such as participative budgeting, has the necessary tools for public participation, with the aim of giving responsibility for decisions at local community level;
- G. whereas CLLD is based on the experience of implementing LEADER, URBAN and EQUAL in previous funding periods, and builds mainly on the LEADER approach, which has led to an exponential increase in Local Action Groups (LAGs) since its inception in 1991 and contributed significantly to improving the quality of life of the population, particularly in rural areas;
- H. whereas CLLD is mandatory for the EAFRD only, and optional for the ERDF, the ESF and the EMFF;
- I. whereas these two new instruments can play an important role in adapting to demographic change and reversing inter-regional imbalances in development;
- J. whereas CLLD takes a bottom-up approach with the aim of setting up objects and financing projects linked to the local needs of the community rather than imposing objectives at national level;
- K. whereas ITI is a tool which can be used to deliver integrated actions for sustainable urban development, as defined in Article 7 of Regulation (EU) No 1301/2013;
- L. whereas there are differences in level among the Member States in terms of governance structures and experience in bottom-up development initiatives;
- M. whereas the capacity and engagement of regional and local actors is essential for the success of these tools, regardless of the competences defined for each organisation;

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- N. whereas the regional and local authorities are called on to intervene in decisions on their own development, and to promote synergies between the public and private sectors as essential guidelines capable of delivering effective management and administration of projects, and of ensuring the stability of commitments made;
- O. whereas it is crucial for local and regional authorities, in decisions which concern their own development, to properly identify, in accordance with the input from the community, their assets and strategic advantages and to build upon these when developing their regional and local development strategies, which, together with the input of their community, would increase the quality of life of citizens by clarifying problems that occur, establishing priorities and outlining sustainable solutions together with the citizens;
- P. whereas Article 7(3) of Regulation (EU) No 1301/2013 lays down that, 'taking into account its specific territorial situation, each Member State shall establish in its Partnership Agreement the principles for the selection of urban areas where integrated actions for sustainable urban development are to be implemented and an indicative allocation for those actions at national level';
- Q. whereas the RURBAN initiative for cooperation between rural and urban areas contributes to strengthening regional competitiveness and creating partnerships for development;
- R. whereas at European Union level budgets should be based on performance, and whereas resources allocated in the framework of ITI and CLLD must be used efficiently, through the attainment of the political objectives and established priorities and have the highest added value for the objective pursued, and whereas the results obtained should be delivered at the lowest possible cost;

### **General considerations**

1. Notes that tangible involvement of regional and local actors from the outset, their commitment and ownership of territorial development strategies and proper delegation of responsibilities and resources to lower levels of decision-making are crucial for the success of the bottom-up approach; considers that the involvement of partners can also strengthen the integrated and place-based approach, in particular where take-up of CLLD and ITI is low; stresses, however, that local actors require technical and financial support from the regional, national and EU levels, especially in the early stages of the implementation process;
2. Calls for the setting out of strategies at the initial stages of the implementation process in collaboration with regional and local actors, particularly at the level of specific and specialist training, and of technical and financial support, in the context of an effective partnership between the regions, Member States and EU;
3. Is of the opinion that sub-delegation of competences and resources, within the framework of ESI Funds, needs to be further promoted and that the reluctance of management authorities to do so may limit the potential of the two instruments; calls on the Member States to advocate a bottom-up approach, conferring responsibility on local groups; calls on the Commission, while fully remaining within its competences, to provide recommendations and comprehensive guidelines to Member States on how to overcome the lack of trust and administrative obstacles between the different levels of governance related to the implementation of CLLD and ITI;
4. Highlights the fact that at the local level, the design of high-quality integrated multi-sectoral innovative strategies is a challenge, especially when this has to be undertaken in a participative way;
5. Draws attention to the fact that actions taken under these tools, while taking into account the priorities of local actors, need to be aligned with the overarching objectives of the operational programmes as well as with other EU, national, regional and local development strategies and smart specialisation strategies, while allowing for margins of flexibility;
6. Recalls that it is not only EU programmes that need to be more flexible and better integrated, but also mainstream national and regional policies; stresses that ensuring a more general spirit of governance reform will help to ensure that EU funds are not delivered in a 'parallel' framework to national and regional policies, but rather are embedded in a broader drive to produce sustainable economic outcomes;

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7. Considers youth unemployment to be the most pressing issue for the Member States, together with the SMEs lack of financing; stresses that local and territorial development strategies have to address these issues as one of their priorities; calls on local and regional authorities to provide tax and other incentives to promote youth employment and intra-regional youth mobility as well as to prioritise vocational training, in partnership with training institutions;

8. Recommends that local and regional authorities pay particular attention to projects aimed at adapting localities and regions to the new demographic reality and counteracting the imbalances resulting therefrom, particularly through: 1. the adaptation of social and mobility infrastructures to demographic change and migratory flows; 2. the creation of specific goods and services aimed at an ageing population; 3. support for job opportunities for older people, women and migrants that contribute to social inclusion; 4. enhanced digital connections and the creation of platforms that enable and foster the participation and interaction of the citizens of the more isolated regions with the various administrative, social and political services of authorities at all levels (local, regional, national and European);

9. Invites the Commission and the Member States to provide additional support, training and guidance to smaller and less developed localities which have more limited resources and capacity and for which the administrative burden and complexity related to these tools may be difficult to take on during planning and implementation; recalls that territorial cohesion starts from the bottom up and must also involve small administrative entities, without any exclusion or discrimination as regards access to ITI and CLLD; calls on the Commission to communicate best practice results in each Member State and suggests that they be shared through an online network that would allow those entities to have equal opportunities for accessing the tools; encourages national and regional authorities to propose solutions aimed at grouping of small administrative entities taking into account the territorial dimension and specific development needs;

10. Encourages the Member States to set out a strategy for increasing the use of CLLD and ITI through a multi-fund approach for the creation of more effective regional and local development strategies, in particular in areas referred to in Article 174 of the Treaty on the Functioning of the European Union; calls on the Member States to make use of the flexibility, where appropriate, as provided for in Article 33(6) of the CPR, to better respond to the specificities of these regions; encourages specific measures for providing technical support and capacity building to the administrative bodies in these areas, in light of their isolation and partial competitive disadvantage;

11. Stresses that the integration of multiple funds continues to be a challenge for stakeholders, particularly in the context of CLLD and ITI; considers that simplification efforts are necessary in order to create conditions for the implementation of these tools; welcomes, therefore, the establishment of the High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds and the Commission's efforts in the field of Better Regulation; stresses the need to find a European framework when making recommendations;

12. Highlights, in particular, the necessity to tackle gold-plating practices by which additional, and often unnecessary, requirements and hurdles are created at national, regional and local levels; notes that many audit layers often exist which increase the financial and administrative burden for beneficiaries; insists on avoiding the overlap of administrative tasks and stresses the importance of establishing conditions for investments and public-private partnerships; recommends that audit activities are streamlined and that monitoring is focused on the process and on performance evaluation, while maintaining efficient control;

13. Calls on the Commission and the Member States to develop and implement targeted training activities focusing on CLLD and ITI for regional and local actors, and invites the Commission to give attention to training programmes geared to local beneficiaries; considers it crucial to ensure the involvement and representation of all relevant sectors of society in such activities; stresses the importance of the efficient and effective use of technical assistance in supporting these instruments, without duplicating organisations;

14. Welcomes the Commission's focus on results and outcomes, which should also help local policy makers to move away from an excessive focus on fund absorption and the cataloguing of implementation processes towards identifying real and meaningful targets that will produce tangible change for their local businesses and residents;

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15. Expresses concern about the lack of proper communication among the various stakeholders; encourages initiatives aimed at increasing information exchange; invites the Commission, in cooperation with the Member States, to enhance coordination and dissemination of information concerning CLLD and ITI; insists that CLLD and ITI increase citizen participation in local and regional governance, through direct involvement in the decision-making process, in order to increase accountability for decisions, and calls on local and regional authorities to undertake appropriate methods for involving citizens in public consultations, by encouraging a higher level of deliberative and collaborative culture;

16. Encourages the Commission, Member States and regions, where appropriate, to ensure that adequate mechanisms are in place to avoid problems between the managing authorities and individual partnerships and to also ensure that potential beneficiaries are appropriately informed and protected as regards these mechanisms; notes the delays caused by resolution of disputes following contestations and insists on the establishment of a set of specific rules to determine procedures for contestation and rapid resolution of public procurement;

17. Calls on the Commission, and in particular its Directorate-General for Regional and Urban Policy, to establish a cooperation framework with the Organisation for Economic Co-operation and Development (OECD) in order to benefit from its long experience in delivering the Local Economic and Employment Development (LEED) programme, and to seek synergies between the tools, especially with regard to enhancing the implementation capacity of local actors;

18. Underlines the importance of increased efforts by both the Member States and the Commission to expand the use of the new tools in the context of European Territorial Cooperation (ETC); stresses that neighbouring areas divided by a border often face similar challenges which can be better tackled jointly, at the local level;

19. Is concerned with the high unemployment rates in many Member States and regions of the EU; encourages the Member States to use these instruments on projects to create high-quality jobs and opportunities for SMEs, promote investment, sustainable and inclusive growth, and social investment and to contribute to poverty reduction and social inclusion, especially in those regions and sub-regions where it is most needed; points out in this regard the importance of integrated funding, and especially the combination of ESF and ERDF; points to the potential of reinvesting parts of local taxes in performance-oriented activities; calls on the Commission to develop a special investment strategy, in line with the Social Investment Package, which could benefit regions with the highest unemployment rates;

20. Stresses the potential of the bottom-up approach of CLLD in supporting local development strategies, creating job opportunities and encouraging sustainable rural development; believes that ITI and CLLD have the potential to respond directly to local needs and challenges in a more focused and appropriate way, insists on the need for better inclusion of urban areas in this mechanism and calls on the Commission to actively pursue this strategy; notes that ITI is an effective delivery mechanism for the implementation of Integrated Plans for Urban Regeneration and Development; urges the Commission to implement regulations covering CLLD and ITI funding from the ESIF as a whole in order to strengthen synergies;

21. Points out to the Commission that, in order for tangible progress to be made towards achieving the objectives of Europe 2020, more attention needs to be paid, in the review of that strategy and of the MFF, to regional and local contexts, and to the specific circumstances of the areas concerned;

### ***Community-led local development (CLLD)***

22. Welcomes the creation of the new CLLD instrument, which has gone beyond the LEADER initiative to empower local communities and provide specific local solutions, not only via EAFRD, but also via the other ESI Funds;

23. Points out that CLLD offers possibilities for urban and peri-urban areas and should be an integral part of wider urban development strategies, including through cross-border cooperation; recalls that, in order to ensure that territorial development strategies are as effective as possible, the development of urban areas must be sustainable and consistent with that of the surrounding, peri-urban and rural areas;

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24. Regrets that in a number of Member States CLLD will be instituted through a mono-fund approach which can lead to missed opportunities in creating more effective local development strategies; recalls the importance of an integrated approach and the need to involve as many local civil-society stakeholders as possible;
25. Welcomes the establishment of the Horizontal Working Group on Partnership, set up thanks to DG REGIO;
26. Calls for consistent adherence to the Code of Conduct on Partnership, in particular with regard to the application of the principle of partnership in the implementation of ITI and CLLD;
27. Encourages capacity-building, awareness-raising among social and economic partners, as well as civil society stakeholders, and the active participation of those parties, so that as many partners as possible can propose CLLD strategies before the deadline for proposals (31 December 2017);
28. Is concerned that in some Member States CLLD is sometimes a 'box-ticking' exercise rather than a genuine bottom-up approach; insists, in this connection, that local actors should have real decision-making powers;
29. Calls on the Commission, together with the Member States, to encourage the sharing of best practices concerning LAGs, based on a strategy of information at European level regarding their successful projects, while using existing instruments and platforms such as TAIEX REGIO PEER 2 PEER, URBACT, and the Urban Development Network;
30. Calls on the Commission and the Member States to embrace the CLLD initiatives and to provide more flexibility in the operational programmes and in the context of regional, national and EU policy frameworks, so that they are able to take better account of the priorities of CLLD strategies; recognises the success of LAGs in project management and calls for more comprehensive funding and consideration to be given to extending their scope; regrets the fact that in some Member States the CLLD is restricted by national authorities to only one specific policy objective; urges the Commission to provide guidance to Member States on financing CLLD through the multi-fund approach, as well as encouraging the use of financing instruments;
31. Recalls that the ESF Regulation allows for a specific investment priority on 'community-led local development strategies' under Thematic Objective 9, and encourages the Member States to include this in their operational programmes; points out that the fund may provide vital support for territorial employment pacts, urban development strategies and institutional capacity building at local and regional level, and asks the Commission to provide additional assistance to the Member States in implementing these specific investment priorities and to provide in its Annual Activity Reports information on the scope of such implementation; calls on the Commission to use the mid-term review of the multiannual financial framework (MFF) to address the difficulties that have already been identified in the application of the instruments and to find sustainable solutions;
32. Believes that tools such as participatory budgeting should be included in the CLLD strategy, as it is a democratic exercise contributing significantly to increasing the involvement of social and economic partners in order to strengthen social cohesion at local level and increase the efficiency of public spending;
33. Highlights the fundamental importance of a non-discriminatory and transparent approach and of minimising potential conflicts of interest in interactions between individuals in the public and private sectors, to ensure the balance between effectiveness, simplification and transparency; welcomes, furthermore, the participation of a wide range of partners in LAGs; considers appropriate the provision whereby neither public authorities nor any single interest group cannot hold more than 49 % of voting rights in LAGs, as provided for in the current legislative framework, which makes it possible to contribute to moving away from an administrative approach towards a result-oriented and innovative one; asks the Commission to closely monitor and assess the implementation of this provision, including the circumstances in which exceptions may be allowed, and to provide targeted capacity- building and technical assistance;

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***Integrated Territorial Investment (ITI)***

34. Notes that diverse governance approaches are possible in the implementation of ITIs; considers it crucial, nevertheless, that local partners play their role as key actors in preparing the territorial development strategy of the ITI, and are also fully involved in its management, monitoring and audit responsibilities, thereby helping to ensure genuine local ownership of ITI interventions;

35. Stresses that ITI should not be restricted to urban areas only, but may concern geographical areas such as urban neighbourhoods, metropolitan areas, urban-rural, sub-regional or cross-border; emphasises that ITI is best placed to take account of specific territorial needs by more flexibly determining its territorial scope, thus following a genuine place-based approach; considers that ITI also provides for an appropriate structure to tackle territories with poor access to services, and isolated and disadvantaged communities; asks the Commission and the Member States to optimise human and technical resources and to make greater use of ITIs in the field of cross-border cooperation;

36. Stresses that the early involvement and greater delegation of responsibilities to regional and local authorities and stakeholders, including civil society, in the territorial development strategy, leading from the bottom up, is key to the future ownership, participation and success of the integrated territorial strategy that will be implemented at the local and intersectorial levels; insists that the exploitation capacity of their own potential for development be increased, in accordance with local characteristics;

37. Encourages the Member States to opt for a multi-fund approach to ITIs in order to achieve synergies between the funds in a given territory and to tackle challenges in a more comprehensive manner; underlines that targeted capacity-building is necessary to facilitate the pooling of funds from different sources;

38. Emphasises that the late decision at national level to use the ITI instrument has been highlighted as a major obstacle to properly framing the territorial strategy, creating the coordination structure, determining the budget and preparing the national legal base for ITI;

39. Welcomes the efforts of the Commission, together with the Expert Group on Territorial Cohesion and Urban Matters (TCUM), in preparing ITI scenarios; endorses the view that such guidance should emerge earlier in the programming process; considers it necessary to update the guidance with real examples and lessons learned from ITIs once they are implemented;

40. Asks the Commission to take into account the results of the Committee of the Regions' survey 2015, making more efficient use of IT tools and creating less paperwork, introducing more flexible rules for countries/regions with very low allocations, improving the co-financing mechanisms in the Member States and providing more training to those responsible for the management and absorption of funds, including elected politicians;

***Future recommendations***

41. Is of the opinion that CLLD and ITI should play an even more important role in the future cohesion policy; calls on the Commission to prepare a report demonstrating the strengths, weaknesses, opportunities and threats (SWOT analysis) of implementing these two instruments, before the new legislative proposal, on possible post-2020 scenarios related to these tools;

42. Asks for the abovementioned report to analyse the impact and effectiveness of CLLD and ITI and whether a compulsory approach in the post-2020 cohesion policy legislation concerning these instruments would be desirable, providing for earmarking of these instruments in operational programmes; proposes that the design of concrete incentives to stimulate Member States to implement CLLD and ITI be assessed, together with the potential means to ensure greater coherence between operational programmes and CLLD and ITI; stresses that this analysis should be based on a relevant set of indicators, reflecting both qualitative and quantitative elements;

43. Demands that the bottom-up approach in the context of ITI be formalised in the next generation of cohesion policy during the programming as well as the implementation phase;

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44. Encourages the Commission and the Member States, through coordination with the competent local authorities, to monitor the use of ITI funds, these being quantitatively more important than before because of their amalgamation; stresses that this is important for reducing the possibility of corruption in Member States;

45. Reiterates the need for a twofold approach, in particular in providing guidance, first, for Member States which have only national operational programmes and, second, for those that also have regional operational programmes;

46. Insists on improved coordination between the Commission, the Member States and the regions with regard to guidance for these tools; recommends that guidance be developed simultaneously with the proposal on the new cohesion policy legislation for the programming period after 2020, with subsequent updates; stresses that this would enable the timely delivery of guidance documents, increase the legal certainty for all parties and also provide clarifications on how the proposed provisions would be implemented in practice;

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47. Instructs its President to forward this resolution to the Council, the Commission and the regional and national parliaments.

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P8\_TA(2016)0213

**Cohesion policy in mountainous regions of the EU****European Parliament resolution of 10 May 2016 on cohesion policy in mountainous regions of the EU (2015/2279(INI))**

(2018/C 076/02)

*The European Parliament,*

- having regard to Article 174 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Title III of the Third Part of the Treaty on the Functioning of the European Union concerning, in particular, agriculture,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(1)</sup> (hereinafter ‘the CPR’),
- having regard to Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 <sup>(2)</sup>,
- having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 <sup>(3)</sup>,
- having regard to Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 <sup>(4)</sup>,
- having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 <sup>(5)</sup>,
- having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(6)</sup>,
- having regard to Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 <sup>(7)</sup>,
- having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal <sup>(8)</sup>,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 320.<sup>(2)</sup> OJ L 347, 20.12.2013, p. 289.<sup>(3)</sup> OJ L 347, 20.12.2013, p. 470.<sup>(4)</sup> OJ L 347, 20.12.2013, p. 487.<sup>(5)</sup> OJ L 347, 20.12.2013, p. 608.<sup>(6)</sup> OJ L 347, 20.12.2013, p. 671.<sup>(7)</sup> OJ L 317, 4.11.2014, p. 56.<sup>(8)</sup> OJ L 347, 20.12.2013, p. 259.

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- having regard to Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings <sup>(1)</sup>,
- having regard to Regulation (EU) No 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments <sup>(2)</sup>,
- having regard to its resolution of 28 April 2015 on 'A new EU Forest Strategy: for forests and the forest-based sector' <sup>(3)</sup>,
- having regard to its resolution of 22 September 2010 on the European strategy for the economic and social development of mountain regions, islands and sparsely populated areas <sup>(4)</sup>,
- having regard to its resolution of 11 December 2013 on maintaining milk production in mountain areas, disadvantaged areas and outermost regions after the expiry of the milk quota <sup>(5)</sup>,
- having regard to its resolution of 23 May 2013 on a macro-regional strategy for the Alps <sup>(6)</sup>,
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning a European Union Strategy for the Alpine Region (COM(2015)0366) and the accompanying action plan,
- having regard to the opinion of the Committee of the Regions of 3 December 2014 entitled 'An Alpine macro-regional strategy for the European Union' <sup>(7)</sup>,
- having regard to its resolution of 17 February 2011 on the implementation of the EU Strategy for the Danube Region <sup>(8)</sup>,
- having regard to its resolution of 21 January 2010 on a European Strategy for the Danube Region <sup>(9)</sup>,
- having regard to the Council conclusions of 13 April 2011 on the EU Strategy for the Danube Region,
- having regard to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Danube Region (COM(2013)0181),
- having regard to the Commission communication entitled 'European Union Strategy for Danube Region' (COM(2010)0715) and the indicative action plan accompanying that strategy (SEC(2010)1489),
- having regard to the opinion of the European Economic and Social Committee of 16 June 2011 on the 'Communication from the Commission — European Union Strategy for the Danube Region' <sup>(10)</sup>,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 303.

<sup>(2)</sup> OJ L 169, 1.7.2015, p. 1.

<sup>(3)</sup> Texts adopted, P8\_TA(2015)0109.

<sup>(4)</sup> OJ C 50 E, 21.2.2012, p. 55.

<sup>(5)</sup> Texts adopted, P7\_TA(2013)0577.

<sup>(6)</sup> OJ C 55, 12.2.2016, p. 117.

<sup>(7)</sup> OJ C 19, 21.1.2015, p. 32.

<sup>(8)</sup> OJ C 188 E, 28.6.2012, p. 30.

<sup>(9)</sup> OJ C 305 E, 11.11.2010, p. 14.

<sup>(10)</sup> OJ C 248, 25.8.2011, p. 81.

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- having regard to the opinion of the Committee of the Regions of 31 March 2011 on ‘The Danube Region Strategy’ <sup>(1)</sup>,
  - having regard to the report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the added value of macro-regional strategies (COM(2013)0468) and the relevant Council conclusions of 22 October 2013,
  - having regard to the Sixth Report on Economic, Social and Territorial Cohesion (COM(2014)0473),
  - having regard to the Alpine Convention, including the Protocols to the Alpine Convention,
  - having regard to the study drafted by Euromontana of 28 February 2013 entitled ‘Toward Mountains 2020: Step 1 — capitalising on Euromontana work to inspire programming’,
  - having regard to the study by its Directorate-General for Internal Policies (Policy Department B: Structural and Cohesion Policies, Regional Development) of February 2016 entitled ‘Research for REGI Committee — Cohesion in mountainous regions of the EU’,
  - having regard to the Women-Alpnet project within the Interreg Alpine space programme 2001-2006: A Network of Local Institutions and Resource Centres for Women: Promoting Women’s Participation in the Alpine Space Sustainable Development,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Agricultural and Rural Development (A8-0074/2016),
- A. whereas mountainous regions represent a significant amount of EU territory (around 30 %), and whereas the entirety of the EU depends on their ecosystem services;
- B. whereas there is no explicit definition of mountainous regions in EU regional policy, and whereas the definition used in the European Agricultural Fund for Rural Development (EAFRD) is not suitable for cohesion policy and cannot as it stands be used for effective management of this policy;
- C. whereas these regions are structurally disadvantaged, owing to their extreme conditions and remoteness, to the extent that many mountainous regions face depopulation and ageing populations, which can upset the natural cycle of generations, leading to a lowering of social standards and the quality of life; whereas this often leads to a rise in unemployment, social exclusion and urban migration;
- D. whereas mountainous regions offer a number of opportunities for achieving EU targets — concerning employment, cohesion and safeguarding the environment — through the sustainable use of their natural resources;
- E. whereas considerable differences exist between mountainous regions, and therefore coordination of policies and sectors is required, both between different mountainous regions (horizontally) and within individual mountainous regions (vertically);
- F. whereas support for mountainous regions from different EU instruments such as the EAFRD and European Structural and Investment Funds (ESI Funds) should be complementary, with a view to creating synergies which will make it possible to achieve better and more inclusive development;
- G. whereas mountainous regions play an important role for the economic, social and sustainable development of Member States and provide numerous ecosystem services; whereas gender equality has a significant impact on economic, social and territorial cohesion in Europe; whereas mountainous cross-border cooperation represents a sustainable way to foster the economic and social development of these regions;

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<sup>(1)</sup> OJ C 166, 7.6.2011, p. 23.

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- H. whereas, owing to their specificities, especially the abundance and variety of renewables and their dependence on resource and energy efficiency, mountainous regions can contribute to the development of new technologies and innovation in general;
- I. whereas mountain areas make a positive contribution to sustainable development, the fight against climate change, the preservation and protection of regional ecosystems and biodiversity; whereas large parts of mountain areas are protected within the Natura 2000 ecological network and under other types of nature conservation arrangements, a fact which on the one hand limits economic activity, but also helps to bolster more sustainable forms of farming and to link farming more closely with other economic activities; whereas farming and land management in mountain areas is very important for the hydrogeological stability of those areas;
- J. whereas mountainous regions face serious challenges — as regards social and economic development, climate change, transport and demographic issues — that must be addressed through the establishment of adequate connections with urban and lowland areas, and by guaranteeing access to digital services;
- K. whereas mountain areas with preserved ecosystems, and their services, can provide a basis for many economic activities, with the emphasis on farming, forestry, tourism and energy, taking into account the cultural and natural heritage of these areas and the diversification of farms; whereas these can be fostered by coordinated actions and/or cross-border cooperation and whereas mountain areas preserve unique conditions and traditional know-how and offer great potential for conversion to quality agricultural systems;
- L. whereas glaciers are characteristic of European mountains and play a vital role in both the ecosystems and water systems of mountains, whereas their retreat in terms of mass and length since the mid-19th century has attained alarming levels, and whereas many glaciers in Europe have already disappeared or are in danger of disappearing by 2050;
- M. whereas the additional costs associated with climatic and topographical conditions, remoteness from economic centres and isolation hinder the economic, social and cultural development of mountain areas; whereas the lack of sufficient infrastructure, including broadband coverage, and investment in mountain areas contributes to the widening gap between these and other regions; whereas also efforts to maintain agricultural economic production in EU mountain areas must be backed up by physical and digital accessibility and infrastructure, as well as by access to public services and services of general interest, such as education, social services, healthcare, transport and postal services, for the inhabitants of such regions;
- N. whereas there are different types of mountainous regions in Europe which are linked by the fact that they share fundamental challenges, such as poor accessibility, few employment opportunities, an ageing population, a lack of connectivity, the impact of climate change and the intensification of human productive activity; whereas active steps must be taken to address these aspects;
- O. whereas in the context of volatile markets and prices, rising production costs, increased competition, the end of milk quotas and environmental challenges, it is essential to secure food production and the multifunctional role of agriculture in order to maintain added value in mountain areas, boost sustainable employment and enable access to other sources of income;
- P. whereas mountainous regions that are part of EU external borders encounter additional difficulties and are affected to a greater extent by the negative trends common to all mountainous regions;

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- Q. whereas in Europe there are mountain ridges that extend across several Member States and also into non-Member States such as the Carpathian mountain range, which, after the last EU enlargement, became the eastern border of the EU and is today an extremely important geopolitical area where strategic political interests of great importance with regard to Union stability meet;
- R. whereas many mountainous regions lack basic infrastructure, public services and continuous access to services of general interest, especially in areas of seasonal activity;
- S. whereas mountain agriculture is important for the identity and culture of mountainous regions and continues to contribute to employment and to specific sectors of the economy in those regions, such as forest resources and tourism, bearing in mind that further diversification of their economies and employment is ongoing and that they play an integral role in the circular economy;
- T. whereas some of the Outermost Regions are also mountain regions of volcanic origin (active or dormant volcanos, volcanic massifs or chains of volcanoes, and volcanic islands) with parts both submerged and above water, and whereas they encounter difficulties caused by the topology of their territory;
- U. whereas women living in mountainous regions, especially in disadvantaged regions, often face problems concerning their access to higher levels of education and decent job opportunities;
- V. whereas a response must be found to the various challenges posed by depopulation, the impact of climate change, lack of farmland availability, abandonment of farmland and the associated growth of scrub and trees, and the need to preserve mountain grassland;
- W. whereas animal breeding (dairy and extensive meat production) play a significant role in mountain areas of many EU countries; whereas challenging market conditions and serious cost disadvantages have a high impact on small-run farms in those areas;
- X. whereas Article 174(3) TFEU expressly mentions that specific attention should be paid to mountainous regions, among others; whereas a number of EU policies, programmes and strategies exist that have an indirect effect on mountainous regions;

### ***Coordinated approach and general considerations***

1. Calls on the Commission to start the process of creating a working definition for functional mountainous regions in the context of Cohesion Policy, complementing the definition of mountainous areas as used in the context of the European Agricultural Fund for Rural Development, with the aim of improving coordination of the policies and measures concerned; considers that such a definition must be wide and inclusive, taking into account different factors such as altitude, accessibility and slope; calls on the Commission to provide for a comprehensive definition also covering volcanic regions in islands and outermost regions, as well as areas that, while not mountainous, are largely integrated with mountain areas; points out, in this context, the idea reflected in the EU Strategy for the Alpine Region (EUSALP) of including non-mountainous areas in the strategy as a good initiative;
2. Considers that EU policies should have a specific approach to mountainous regions, as they have clear structural disadvantages; these regions need additional support to overcome the challenges of climate change, to be able to provide year-long rather than only seasonal employment, economic development, prevention and management of natural disasters and protection of the environment, and to help reach the EU renewable energy targets; considers, as a result, that mountainous regions should be mainstreamed in all aspects of EU policies, including Cohesion Policy, by introducing a territorial impact assessment;
3. Recognises that the EU has no specific policy for mountainous regions, and points out that those already existing policies, programmes and strategies that do have an indirect effect on such areas provide grounds for an 'Agenda for EU Mountainous Regions', which should represent the basis for an EU strategy aimed at achieving the long-term development of mountainous regions and the areas dependent on them;

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4. Calls on the Commission to work on an 'Agenda for EU Mountainous Regions', which should be a framework that contributes to transnational, cross-border and interregional policies; believes that the future agenda should identify the priorities for the development of these regions, so that sectoral policies may be adjusted in a better way and opportunities to finance them steered through EU funds, and so that long-term sustainable policies for inclusion may be achieved;
5. Calls on the Commission, in the context of this programme, to establish a specific, in-depth programme to protect those European glaciers which are predicted to disappear by 2050;
6. Calls for synergies to be increased by means of the coordination of EU policies, strategies and programmes that have an indirect effect upon mountainous regions, such as Horizon 2020, COSME, LIFE, Natura 2000, the EU Broadband Strategy, the EU Climate Adaptation Strategy, the EU Environment Action Programme, the Connecting Europe Facility, European Territorial Cooperation, ESI Funds and the European Fund for Strategic Investments (EFSI), as well as macroregional strategy initiatives; calls on the Commission to consider the specific application and operation of these programmes in mountainous regions;
7. Underlines the importance of achieving synergies across policies, instruments and sectors, which needs an integrated approach to be applied; highlights the valuable experience gained in the implementation of the Alpine Convention, which reconciles economic, social and environmental interests;
8. Points to the scarcity of useable land in mountainous regions, which is a potential cause of conflicts resulting from diverging or overlapping interests on land classification and use; calls on the Member States, therefore, to develop and apply spatial planning tools that facilitate coordination and public participation in territorial development; considers the Protocol on spatial planning and sustainable development to the Alpine Convention to be an important example to further capitalise on;
9. Calls on nature parks belonging to Member States which share a border with one or more other States to devise joint approaches to the management, development and protection of those nature parks;
10. Notes that the recent reforms of the common agricultural policy (CAP) and of regional policy allow the management of European cohesion funding to be undertaken at regional level;
11. Calls for the managing authorities to consider increasing allocations of ESI Funds at national level to support undeveloped mountainous areas, using a multi-sectoral policy approach, where possible; calls on the Member States to encourage investment in mountain areas by favouring operational programme funding for such areas;
12. Stresses that the territorial dimension of the Cohesion Policy must be prioritised, through targeted initiatives for territorial development and additional support for territorial cooperation at European level;
13. Stresses that Member States and regions have the possibility under the Rural Development Regulation to create thematic sub-programmes focused on the needs of mountain areas, which are eligible for higher support rates for public funding; encourages them to make use of such opportunities; notes that to date none of the competent authorities have chosen to do so; considers nonetheless that this does not necessarily mean that no specific aid has been envisaged for these regions;
14. Encourages the Member States to make use of tools such as the Integrated Territorial Investment (ITI) and the Community-Led Local Development (CLLD) instruments in support of the development of mountainous areas, with a view to supporting their specific development potential and objectives; encourages the support of local action groups (LAGs) for community-led local development, in order to foster transnational networks and cooperative working methods;
15. Underlines the potential and importance of existing and future development of macro-regional strategies for the sustainable development of the EU's mountainous regions with a strong cross-border cooperation dimension, where applicable; calls for experience in the implementation of other EU macro-regional strategies to be taken into account;

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16. Welcomes the current initiatives for the Carpathian Mountains in the EU Strategy for the Danube Region and the progress made on the EU macro-regional strategy for the Alps; notes that the latter is a good example of an integrated approach to territorial development, taking into account mountainous areas and regions integrated with them;

17. Believes that the European Territorial Cooperation (ETC) instrument offers an excellent opportunity to share best practices and knowledge among mountainous regions, which in many cases are located on national borders, and calls for a specific mountain dimension in the future ETC; welcomes initiatives, such as 'Policies against depopulation in mountainous areas' (PADIMA), that are aimed at addressing the specific problems faced by mountainous regions; stresses the importance of INTERREG programmes and of other cooperation initiatives, such as European Groupings of Territorial Cooperation (EGTC) and European Economic Interest Groupings (EEIG), in developing shared areas and mountain ranges in a joint, coordinated manner in regions that contain cross-border mountainous areas;

18. Calls on the Commission to present a communication containing an 'Agenda for EU Mountainous Regions' and, subsequent to this, a White Paper on the development of mountainous regions, based on best practices and involving local, regional and national authorities, and other relevant actors, including economic and social partners and representatives of civil society;

19. Insists that the Commission and other stakeholders undertake a thorough and regular assessment of the condition of mountainous regions in the EU, and analyse data, such as the results of the implementation of Cohesion Policy operational programmes and indicators on changes in the quality of life and the demography, in order to focus EU funding and policy implementation in a correct way;

20. Underlines the need to be able to rely on trustworthy statistical disaggregate data on which to base policy initiatives;

21. Calls for cooperation with European non-Member States, and with regional and local government, for the implementation of a policy for mountainous regions;

22. Calls on the Commission to encourage the use of financial instruments in mountainous regions in order to reach concrete results;

23. Welcomes the ongoing debate on simplification of the Cohesion Policy; hopes that a lighter framework, and the availability of instruments that are easier for stakeholders and recipients to use, will contribute to the development of EU mountainous regions; calls for specific attention to be paid to simplification and to efforts to facilitate investments in mountain regions;

24. Calls on the Commission to propose a European Year of Islands and Mountains;

### ***Jobs and economic growth in mountainous regions***

25. Notes that SMEs in mountainous regions are faced with serious difficulties owing to lack of accessibility, infrastructure, connectivity and human resources; calls on the Commission to pay specific attention to the development of SMEs in mountainous regions, particularly areas affected by natural and climate-aggravated disasters, urges the Member States accordingly to give priority to investment in infrastructure and services in mountain areas; calls for synergies between ESI Funds resources and the other EU-subsidised programmes and initiatives to form a holistic and effective policy approach in order to maximise support for SMEs and entrepreneurship; underlines that integrated place-based strategies on mountainous regions should be developed with a view to identifying specific development opportunities and should include measures to increase the connectivity of local SMEs and both intra- and inter-sectoral relations and coordination;

26. Stresses the importance of developing multiple agricultural production in connection with tourism development and environmental protection activities and of structuring food chains in mountain areas, either within associations of producer organisations, which increases farmers' negotiating strength, or by setting up local markets and short supply chains; underlines the need to guarantee access to large markets, and to introduce product quality, promotion and protection measures, thereby improving the marketing of agricultural products and including them within the general

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tourism products of a given geographical area; moreover, as mountain areas have strong potential for producing high-quality food products, calls on the Commission and the Member States to start the debate about introducing special labelling for mountain food products at EU level;

27. Recognises in this context the need for support from the EAFRD for agricultural production in mountain areas and for efforts to create added value through synergies with other EU Funds and initiatives, as well as with private financial instruments, in order to create a positive impact in mountainous regions;

28. Welcomes the progress made on the EU Forest Strategy; supports the sustainable development of forests at Union level, especially as regards the contribution of forests to safeguarding the environment and biodiversity and achieving renewable energy targets; notes that the economic dimension of forestry could be emphasised within the strategy;

29. Considers that forestry can offer jobs and economic development for mountainous regions and that forest resources should therefore be guaranteed over time, by exploiting them sustainably; points out that forests are of vital importance for the ecosystem and that in the mountains they play an important role in preventing avalanches, landslides and flooding; calls for the support of SMEs, in particular those established in mountain areas, which are involved in the forestry sector and fully respect the principle of environmental sustainability; stresses the particular economic and social role of forestry in mountain areas and the importance of investment for efficient use of forestry resources in those regions; recalls the significant role that forests play in providing primary and secondary materials used in the pharmaceutical, cosmetic and food industries, thus contributing to job creation; calls, in this connection, for Cohesion Policy to focus more on sustainable forest management;

30. Calls for additional incentives to preserve small processing enterprises and small and medium-sized mountain farms in mountainous areas, which are an important source of employment and produce products with specific quality characteristics, but on average have higher costs and lower profitability than intensive crops or livestock farms; calls on the Commission to promote pilot projects with a view to recovering traditional economic activities, including farming and handicrafts, in mountain areas that are subject to depopulation; calls on the Commission and the Member States to promote streamlined administrative procedures for applying for and administering funds in order to give small communities better access to funding so as to foster long-term development, accessibility of markets and the setting-up of producer organisations in mountain areas;

31. Calls on the beneficiaries of ESI Funds in mountainous regions to assess the potential and need for establishing local technological and sustainable industrial parks, and after appropriate feasibility studies and cost-benefit analysis to consider constructing such parks using EU and national means;

32. Underlines the need for smart specialisation strategies, where applicable, in boosting the potential offered by mountainous regions;

33. Highlights the important role that social enterprise, and alternative business models such as cooperatives and mutuals, can play in the inclusive and sustainable development of mountainous regions, including overcoming exclusion of marginalised groups and overcoming gender inequalities;

34. Supports the use of ESI Funds for economic sectors that do not pollute and are future-oriented, such as sustainable tourism, cultural heritage, sustainable forestry, high-speed internet development, crafts, and renewable energy; points to the importance of developing new innovative tourism models and promoting successful existing models;

#### ***Socio-economic dimension of the mountainous regions***

35. Notes that supporting the shift towards a low-carbon, climate-resilient, resource-efficient and environmentally sustainable economy could be emphasised within the Cohesion Policy;

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36. Considers that increasing the qualifications of the workforce and creating new jobs in the green economy should be part of the investment priorities of the ESI Funds, and stresses that EU policies should support training in areas such as mountain agriculture, sustainable tourism, craft industries, sustainable forestry and renewable energy technologies;

37. Welcomes initiatives to attract young people into the agricultural sector, and calls on the Commission to develop similar programmes for mountain areas; urges that measures be taken to encourage young entrepreneurs to branch out in areas relating to cultural heritage and not limited to seasonal activity alone; highlights the role of scientific institutes and other educational establishments dealing with mountain agriculture; encourages participation by young farmers in exchange schemes and e-learning platforms;

38. Emphasises the importance of education for women and girls and of increasing the inclusion of women in areas such as science, technology, engineering, maths and entrepreneurship, including green-economy sectors; considers that particular attention should be devoted to support and encouragement for women farmers and women engaging as self-employed persons in direct marketing, tourism and craft trades and projects; highlights the importance of the active presence and role of women in mountain areas, particularly in fostering innovation and cooperation processes and in preserving the proper functioning of those areas; calls on the Commission and Member States, therefore, to use existing resources and procedures for micro-financing and micro-credit initiatives for women, and for career opportunities for women, under the European Social Fund and transnational projects;

39. Stresses that the importance of mountain areas and effective measures in the EU have been integrated in the most recent reform of the CAP; believes that the CAP should aim to compensate the natural and economic disadvantages that farmers face but should also give them the means to capitalise on their assets;

40. Stresses the importance of aid under the first pillar of the CAP in maintaining agricultural production and income for farmers in mountain areas; recalls that Member States have the option of establishing specific direct aid and coupled payments to help attain these objectives; recalls that in many Member States some decoupled aid under the first pillar is far less generous than in prime farming areas, because of inadequate internal convergence, which further limits the competitiveness of farms;

41. Considers that measures under the second pillar of the CAP must ensure the sustainability, competitiveness and diversification of agricultural production and processing industries in mountain areas; also considers that such measures could contribute to a 'rural renaissance' by supporting the emergence of multifunctional farm development projects that generate added value and innovation and by favouring agricultural investments (in buildings, specific equipment, modernisation, etc.) and the preservation of native breeds;

42. Considers that a sector-specific approach for the dairy sector should aim at ensuring sustainable milk production in mountain areas, and calls on the Commission, Member States and regional authorities to provide, notably through the second pillar of the CAP, accompanying compensatory measures for disadvantaged dairy production with a view to maintaining and strengthening farming and the effective functioning of farms, in particular small-scale farms, in those regions;

43. Highlights the potential of dual education in mountainous regions; points to the encouraging results achieved by some Member States; welcomes existing projects for dual education across the Union;

44. Considers that suitable physical and ICT infrastructures create opportunities for economic, educational, social and cultural activities and reduce the effects of peripherality and isolation; calls on the Commission to come up with specific recommendations for overcoming the shortage of skilled labour in the tourism industry, specifically addressing the challenges of unattractive jobs and insufficient remuneration, as well as for stimulating possibilities for professional career development; urges the Commission and the Member States to allocate investments via the ESI Funds in infrastructure in mountain areas aimed at making them more attractive for economic activities;

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45. Supports innovative solutions, including IT-based ones, for access to basic quality education, as well as formal and informal education and lifelong learning opportunities, in remote mountainous areas, for example through cooperation among mountainous regions, cities and universities; underlines the need for high-quality tertiary education, and points to the potential of distance education systems which offer access to teaching and learning from remote areas; with a view to overcoming negative demographic trends in these regions, highlights the fact that both equal access to education and childcare facilities and further training and requalification for older people to facilitate active integration into the labour market are important concerns to be addressed;

46. Calls for the development and improvement of healthcare facilities and services in mountainous regions, inter alia through cross-border cooperation initiatives, including the development of cross-border healthcare establishments, where needed; advocates the development of volunteering for the provision of public services, taking into account best practices in certain Member States;

47. Recalls the principle of universal access to public services to be guaranteed in all territories of the EU, while stressing the need for Member States and regions to encourage alternative and innovative solutions for mountainous areas, including tailor-made solutions adapted to local and regional needs if necessary;

48. Stresses the importance of the Youth Employment Initiative and of a more effective implementation of the Youth Guarantee as a good opportunity to stop the outflow of young people from mountainous regions in response to the demographic crisis and the problem of an ageing population; calls for youth employment initiatives specifically oriented to meet the needs of underdeveloped mountainous regions;

49. Highlights the fact that gender inequalities persist in mountainous regions, particularly in the case of marginalised communities and vulnerable groups; calls on the Commission to take gender mainstreaming actions at horizontal and vertical level for all policy areas and, especially, to fund connectivity policy in these regions; calls for a comparative analysis of the particularities of the condition of women in mountainous regions, in particular in disadvantaged mountain areas;

50. Encourages and calls for support, including through the use of ESI Funds, for initiatives to improve the social and cultural cohesion of, and inclusion in, mountainous communities, and to overcome physical isolation and lack of cultural diversity, in particular through access to, and direct participation in, arts and cultural life;

51. Stresses the importance of integrated territorial initiatives with a view to integrating migrants, in connection with processes relating to demographic and socio-economic renewal and recovery in mountain areas, including those undergoing depopulation; calls on the Commission to facilitate and promote the dissemination of such initiatives;

#### ***Environmental protection and combating climate change in mountainous regions***

52. Recalls the richness, in amount and variety, of renewables in mountainous areas; believes that these areas should take the lead in achieving EU renewable energy targets; calls on the Commission to focus on policies that encourage and facilitate the use of renewables in mountainous regions;

53. Emphasises the need to protect at European level the emblematic high-mountain species able to live on cross-border mountain ranges, such as chamois, ibex, large raptors, bears, wolves and lynx; calls on the Commission and the Member States to establish a plan for the protection and reintroduction of emblematic high-mountain species;

54. Emphasises also the potential of the volcanic mountainous regions and volcanoes, especially as regards the contribution of volcanology, to achieving the renewable energy targets, and the contribution of these areas to the prevention and management of natural disasters, such as volcanic eruptions;

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55. Calls on the Member States and the Commission to identify all the high mountain resorts where a car ban would have a positive impact on the local fight against the melting of glaciers;

56. Insists that reaching EU renewable energy targets and renewable energy exploitation must take into account the balance of nature and environmental protection, including in mountain areas; recalls that, in some cases, hydropower and biomass extraction may affect ecosystems, and that wind and solar energy plants could harm the landscape, while being a source of local development;

57. Notes that mountainous regions, including volcanic ones and their ecosystems, are especially vulnerable to climate change and hydrogeological risks, with particularly important consequences in such regions, including as a result of increasing numbers of natural hazards, which can have an environmental impact on surrounding areas too and negative repercussions on economic development and tourism; believes, in this regard, that safeguarding the environment, combating climate change and taking appropriate climate change adjustments measures must be at the heart of a future 'Agenda for EU Mountainous Regions', including an action plan on climate change; stresses also the need to develop a network of analysis and exchange of good practice in these areas;

58. Stresses the importance of preserving and protecting the unique habitat of mountainous regions and of developing it in a sustainable way, including by restoring biodiversity and soil, promoting natural heritage and ecosystem services, and providing green infrastructure, thus also offering job opportunities in those sectors; recalls the key importance of farming and sustainable land and forest management in mountain areas with a view to maintaining biodiversity and guarding against environmental and landscape impacts;

59. Stresses that mountainous regions are an important source of water resources that must be safeguarded and managed in a sustainable way; notes the reliance of certain urban areas on ecosystem services from the mountainous regions and that these regions often do not receive a just return; invites local authorities to consider partnerships in the form of cooperation projects to collect and protect water supplies for urban communities in the vicinity of mountain areas; supports financing for water storage measures in order to ensure that agricultural areas are sustainably and efficiently irrigated and that there is a minimum flow level for rivers;

60. Supports the development of sustainable tourism as a positive opportunity to provide jobs and promote the sustainable development of these areas; underlines the need for the development of broadband internet as a basis for sustainable tourism;

61. Highlights the need for active synergistic cooperation between farming and other economic activities on Natura 2000 sites and in other protected areas (national parks, countryside parks, etc.) lying in mountain regions;

#### ***Accessibility and connectivity in mountainous regions***

62. Considers that the internet and, specifically, next-generation access (NGA) technologies play a crucial part in overcoming the challenges faced by mountainous regions; recalls that the internet is linked to services of general interest (SGIs) and that lack of access to such services can lead to depopulation;

63. Calls on the Member States to create incentives for more active development of public-private partnerships in mountainous regions, in transport, communication and energy infrastructure, as the lack of economies of scale makes the provision of these services commercially unattractive; stresses that only better transport and other infrastructure of sufficient quality can create economic growth and new jobs in mountain areas;

64. Notes that tourism is influenced to a large extent by the presence of infrastructure and access to services of general interest; calls on the Commission to consider the possibilities for creating infrastructure in support of tourism in mountainous regions;

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65. Notes that new information and communication technologies offer a wide range of opportunities for employment, social inclusion and empowerment in the emerging digital economy; considers therefore that specific support from ESI Funds is needed for the promotion of such opportunities; calls on the Member States to promote teleworking, e-commerce and the use of digital marketing channels in these areas to improve companies' cost management; considers that easier access to new information technologies could lead to the development of distance education programmes in areas with a shortage of teachers, as well as e-health services, which might help prevent the depopulation of mountain areas; calls for examples of good practice to be proposed and shared, and thus contribute to the economic diversification of mountain regions;

66. Welcomes the EU Satellite Voucher Scheme, by which satellite connections provide a useful alternative for areas with insufficient infrastructure or where there is a lack of interest from investors;

67. Calls on the Commission, when developing policies for broadband access, to take into account the lack of infrastructure and interest on the part of investors owing to the sparse population and remoteness of mountainous regions; calls on the Commission to develop specific policies for overcoming the digital divide in these regions, including through the necessary public investments;

68. Recalls that the social and economic development of mountainous regions, which in some Member States are also remote regions, depends on transport links between them and the other regions in a given Member State or trans-border regions; calls on the national authorities, in cooperation with the Commission, to facilitate the implementation of projects for transport connectivity of mountainous regions with main national and trans-European roads and transport corridors, especially the TEN-T transport infrastructure, using different EU funds and financial instruments, including EIB investments;

69. Calls on the mountainous regions of Europe to invest through the ERDF in the development of more efficient and better interconnected railway and tram networks;

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70. Instructs its President to forward this resolution to the Council, the Commission and the Committee of the Regions, and to the governments and national and regional parliaments of the Member States.

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Wednesday 11 May 2016

P8\_TA(2016)0217

**Acceleration of implementation of cohesion policy****European Parliament resolution of 11 May 2016 on acceleration of implementation of cohesion policy (2016/2550(RSP))**

(2018/C 076/03)

*The European Parliament,*

- having regard to Article 4, Article 162, Articles 174-178 and Article 349 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(1)</sup> (hereinafter the ‘Common Provisions Regulation’ (CPR)),
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>,
- having regard to the Commission’s sixth report on economic, social and territorial cohesion entitled ‘Investment for jobs and growth: Promoting development and good governance in EU regions and cities’ of 23 July 2014,
- having regard to the Commission communication of 14 December 2015 entitled ‘Investing in jobs and growth — maximising the contribution of European Structural and Investment Funds’ (COM(2015)0639),
- having regard to its resolution of 14 January 2014 on EU Member States preparedness to an effective and timely start of the new Cohesion Policy programming period <sup>(3)</sup>,
- having regard to the Commission communication of 22 February 2016 entitled ‘Investment Plan for Europe: new guidelines on combining European Structural and Investment Funds with the EFSI’,
- having regard to its resolution of 27 November 2014 on delays in the start-up of cohesion policy for 2014-2020 <sup>(4)</sup>,
- having regard to its resolution of 28 October 2015 on cohesion policy and the review of the Europe 2020 strategy <sup>(5)</sup>,
- having regard to its resolution of 26 November 2015 on ‘Towards simplification and performance orientation in cohesion policy 2014-2020’ <sup>(6)</sup>,
- having regard to the question to the Commission on acceleration of implementation of cohesion policy (O-000070/2016 — B8-0364/2016),
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 320.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> Texts adopted, P7\_TA(2014)0015.

<sup>(4)</sup> Texts adopted, P8\_TA(2014)0068.

<sup>(5)</sup> Texts adopted, P8\_TA(2015)0384.

<sup>(6)</sup> Texts adopted, P8\_TA(2015)0419.

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- A. whereas cohesion policy, with a budget of over EUR 350 billion until 2020, is the instrument that helps to bring the EU closer to citizens and represents the EU's main investment and development policy covering all EU regions; whereas in some Member States it forms the principal source of public investment;
- B. whereas Europe 2020 objectives can be achieved through coherent interaction between growth and development policies and, where necessary, structural reforms, as well as through the active involvement of regions and cities in their implementation; whereas cohesion policy is playing a crucial role in this regard;
- C. whereas the 2014-2020 regulations introduced several key reforms in cohesion policy, such as thematic concentration allowing the flexibility required to take better account of local needs, a stronger results orientation, better coordination with economic and social policy, improved links between EU priorities and regional needs, and more closely coordinated use of ESI Funds through the common strategic framework;
- D. whereas cohesion policy investments should be coordinated and harmonised with other EU policies, such as the digital single market, the Energy Union, social policy, macro-regional strategies, the Urban Agenda, research and innovation, and transport policy, in order to better contribute to the achievement of the Europe 2020 strategy's goals;
- E. whereas, under Article 136(1) of the CPR, the Commission is required to decommit any part of the amount in an operational programme that has not been used for payment of the initial and annual pre-financing and interim payments by 31 December of the third financial year following the year of budget commitment under the operational programme;
- F. whereas two years have passed since the start of the new programming period, and there have been delays in the implementation of cohesion policy; whereas operational programmes were mostly approved at the end of 2014 and in 2015, and a significant number of ex-ante conditionalities have not been fulfilled yet;
- G. whereas, under Article 53 of the CPR, the Commission is required to transmit each year from 2016 to Parliament a summary report in relation to ESI Funds programmes based on annual implementation reports of the Member States submitted under Article 50, and in 2017 and 2019 the Commission is required to prepare a strategic report summarising the progress reports of the Member States;
1. Calls on the Commission to assess the state of play in the implementation of ESI Funds in the period 2014-2020 and prepare a detailed analysis on the risks of decommitment, with indicated amounts per Member State, and an analysis of payment forecasts submitted by Member States as soon as possible after the 31 January and 31 July deadlines set in the CPR; calls also on the Commission to indicate what measures are planned to avoid decommitment of the ESI Funds to the greatest possible extent;
  2. Calls on the Commission and the Member States to use the ESI Funds to their full potential and in line with the Europe 2020 strategy, in order to enhance social and economic cohesion and reduce territorial disparities by enabling all regions to become more competitive and to facilitate investment, including from private sources;
  3. Notes, looking back to the 2007-2013 programming period, that the major obstacles and problems that hampered cohesion policy implementation in several Member States and regions were insufficient information for potential beneficiaries, which led to a lack of eligible projects, slow and lengthy approval of major projects combined with a lack of administrative structures to manage investment for major projects, complex and time-consuming procurement procedures, complex state aid rules, complicated permitting procedures, unsolved property relations, the excessive length of the authorisation procedure and difficult access to financing; acknowledges, furthermore, the difficulty faced sometimes by Member States and local authorities in complying with requirements relating to the internal and external implementation of the Stability and Growth Pact; calls on the Commission, for the 2014-2020 programming period, to provide, on the one hand, information on the obstacles that Member States are facing in implementing cohesion policy and, on the other, an assessment of the impact of carrying out the ex-ante conditionalities exercise on the effective implementation of the policy;

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4. Welcomes the establishment of the Task Force for Better Implementation of the 2007-2013 programmes in eight Member States and calls on the Commission to inform Parliament of the results achieved; asks the Commission to continue with this Task Force to support and accelerate the implementation of the 2014-2020 programmes in all Member States and to present to Parliament an action plan for the Task Force's activities; calls on the Commission to fully include ESI Funds in the EU's 'Better Regulation' strategy;

5. Underlines the fact that administrative capacity both at national and at regional and local level is a key precondition for timely and successful performance of cohesion policy; points out in this context that a lack of eligible projects is often associated with the lack of resources which local and regional authorities need for the preparation of project documentation; asks the Commission, therefore, to support the strengthening of administrative capacity for the policy implementation and evaluation stages, and to report to Parliament on actions that are planned in this regard; also encourages Managing Authorities to make full and effective use of the provisions of Thematic Objective 11, 'Enhancing institutional capacity of public authorities and stakeholders', and the available Commission guidance;

6. Stresses, bearing in mind that good governance can help to enhance absorption capacity, the need to encourage relevant structural reforms, in line with territorial cohesion and sustainable growth and employment objectives, as well as investment-friendly policies and the fight against fraud; looks forward to the conclusions of the Commission's 'Lagging regions' report and further details of how these conclusions might be employed to address long-standing challenges affecting the timely implementation and absorption of ESI Funds; invites the Commission also to clarify the concept of performance-based budgeting with a view to increasing the efficiency of spending;

7. Welcomes the setting-up of a High-Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of ESI Funds by the Commission; stresses that simplification is among the preconditions for acceleration of implementation; urges the Commission, therefore, to speed up activities related to introducing simplified procedures even during the current programming period and to maintain a high level of transparency in cohesion policy; believes, in this context, that the recommendations made by the High-Level Group must be considered without delay;

8. Calls on the Commission and the Member States, bearing in mind that in many Member States the economic crisis has caused liquidity shortages and a lack of public funds available for public investments, and that cohesion policy resources are becoming the main source of public investment, to fully apply and use the existing flexibility under the Stability and Growth Pact; asks the Commission, moreover, to conduct a permanent dialogue with the Member States which asked for the application of the current investment clause, with a view to maximising the flexibility relating to growth and jobs investments; calls on the Commission, furthermore, to encourage involvement of the EIB in the form of increased technical and financial support in the preparation and implementation of projects for any Member State that requires it; considers that financial instruments, if implemented effectively on the basis of proper ex ante assessment and combined strategically with grants, can significantly increase the impact of financing, thus helping to overcome the negative effects of shrinking public budgets and to develop revenue-generating projects; stresses that clear, consistent and focused rules on Financial Instruments to help simplify the preparation and implementation process for fund managers and recipients, which recognise the different development levels of financial markets across the Member States, can help realise this ambition; believes that condensing all relevant regulation on Financial Instruments into a single, easily accessible and comprehensible document, and avoiding unnecessary re-revision of related guidance part-way through funding periods, unless legally required, would also assist in this process;

9. Recognises the complementary nature of EFSI investments for cohesion policy and notes the Commission communication of 22 February 2016 entitled 'Investment Plan for Europe: new guidelines on combining European Structural and Investment Funds with the EFSI'; calls on the Commission and local and regional authorities to take appropriate account of the opportunities for combining ESI and EFSI funding, given that, although the two instruments are different in nature, they may complement one another, increasing the leverage effect of investments;

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10. Is concerned about the delays experienced by Member States in the designation of the programme and certifying authorities, which in turn delay the submission of payment applications by Member States, thus preventing the smooth implementation of programmes;
  11. Believes that over-centralisation and lack of trust can also play a role in delaying the implementation of ESI Funds, with some Member States and Managing Authorities less keen to place greater responsibility for management of EU funds in the hands of local and regional authorities, including through new development tools such as Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD); while acknowledging the part played by the EU regulatory framework in fostering this attitude, calls on the Commission to help further facilitate exchanges of best practice between Member States and regions on successful examples of subdelegation;
  12. Highlights the importance of timely payments to the proper and effective implementation and credibility of cohesion policy; calls on the Commission, therefore, to inform Parliament of measures envisaged to ensure full implementation of the Payment Plan in the context of the budget 2016 and also for the coming years;
  13. Underlines the fact that assessing (the acceleration of) the implementation of cohesion policy now could provide some important learning points for the Commission with a view to the discussion of future cohesion policy post-2020; asks the Commission to formulate key learning points and to engage with Parliament, the Member States and other relevant stakeholders on the future of ESI Funds post-2020 as early as possible, with a view to increasing their targeted use and timely implementation;
  14. Points to the importance of Member States fulfilling the actions on ex-ante conditionalities by the end of 2016 in order to ensure the smooth implementation of programmes and avoid possible suspension of interim payments; urges the Commission to issue comprehensive guidelines on public procurement and on preventive measures to avoid errors and irregularities in procurement, and to publish standard procurement procedures for beneficiaries in order to avoid financial corrections and the possible cancellation of EU contributions;
  15. Calls on the Commission, the Member States and all stakeholders to better coordinate and launch effective communication policy initiatives in order to raise public awareness of cohesion policy implementation and give it a higher profile, and thus enable the general public to gain a better understanding of the results and impact of cohesion policy;
  16. Instructs its President to forward this resolution to the Commission, the Council, the Committee of the Regions, and the Member States and their national and regional parliaments.
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Thursday 12 May 2016

P8\_TA(2016)0218

**Crimean Tatars****European Parliament resolution of 12 May 2016 on the Crimean Tatars (2016/2692(RSP))**

(2018/C 076/04)

*The European Parliament,*

- having regard to its previous resolutions on the Eastern Partnership (EaP), Ukraine and the Russian Federation,
  - having regard to the reports of the Human Rights Assessment Mission on Crimea conducted by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) and the OSCE High Commissioner on National Minorities (HCNM),
  - having regard to the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),
  - having regard to the European Council decisions of 21 March, 27 June and 16 July 2014 imposing sanctions on the Russian Federation as a follow-up to the illegal annexation of Crimea,
  - having regard to UN General Assembly resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’,
  - having regard to the Freedom House report ‘Freedom in the World 2016’, which assesses the state of political and civic freedoms in illegally annexed Crimea as ‘not free’,
  - having regard to the ruling of the so-called Crimean Supreme Court of 26 April 2016, which found the Mejlis of the Crimean Tatar People to be an extremist organisation and banned its activity in the Crimean peninsula,
  - having regard to the statements of the spokesperson for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 14 April 2016 on suspension of Mejlis activities of the Crimean Tatars and of 26 April 2016 on the decision of the ‘Supreme Court’ of Crimea to ban Mejlis activities,
  - having regard to the statement of the Commissioner for Human Rights of the Council of Europe of 26 April 2016 urging a reversal of the ban on the Mejlis, and to the statement of the Secretary-General of the Council of Europe of 26 April 2016 that the ban of Mejlis risked targeting the Crimean Tatar community as a whole,
  - having regard to the Minsk Protocol of 5 September 2014 and the Minsk Memorandum of 19 September 2014 on the implementation of a 12-point peace plan,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Russian Federation has illegally annexed Crimea and Sevastopol and is therefore an occupying state which has violated international law, including the UN Charter, the Helsinki Final Act, the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between the Russian Federation and Ukraine;

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- B. whereas the European Union and the international community have repeatedly voiced their concern over the situation of human rights in the occupied territories and the systematic persecution of those who do not recognise the new authorities; whereas these so-called authorities have targeted the indigenous community of Crimean Tatars, a majority of whom oppose the Russian takeover of the peninsula and boycotted the so-called referendum on 16 March 2014; whereas Crimean Tatar institutions and organisations are increasingly branded as ‘extremists’ and prominent members of the Crimean Tatar community are, or risk, being arrested as ‘terrorists’; whereas the abuses against Tatars include abduction, forced disappearance, violence, torture and extrajudicial killings that the de facto authorities have failed to investigate and prosecute, as well as systemic legal problems over property rights and registration;
- C. whereas Crimean Tatar leaders, including Mustafa Dzhemilev and Rafat Chubarov, have previously been banned from entering Crimea, and are now allowed to do so but under threat of arrest — thus sharing the same fate as numerous other members of the Mejlis and Crimean Tatar activists and displaced people; whereas more than 20 000 Crimean Tatars have had to leave occupied Crimea and move to mainland Ukraine, according to data provided by the Government of Ukraine;
- D. whereas the leader of the Crimean Tatar people, Mustafa Dzhemilev, who earlier spent 15 years in Soviet prisons, has published a list of 14 Crimean Tatars who are political prisoners of the so-called Russian authorities of Crimea, including Ahtem Çiygoz, the First Deputy Chair of the Mejlis, who is being detained in Simferopol pending trial; calls for particular attention to the state of his health and underlines the importance of his trial being public and being monitored by the Council of Europe and other international organisations;
- E. whereas the Russian Federation has been restricting access to Crimea for the Organisation for Security and Cooperation in Europe (OSCE), the UN and the Council of Europe, not to mention human rights NGOs and independent journalists; whereas the lack of access makes human rights monitoring and reporting in Crimea very difficult;
- F. whereas the entire population of Crimean Tatars, an indigenous people of Crimea, was forcibly deported to other parts of the then USSR in 1944, with no right to return until 1989; whereas on 12 November 2015 the Verkhovna Rada of Ukraine adopted a resolution in which it recognised the deportation of the Crimean Tatars in 1944 as genocide and established 18 May as a Day of Remembrance;
- G. whereas on 26 April 2016 the so-called Supreme Court of Crimea ruled in favour of a request by the so-called Prosecutor-General of Crimea, Natalia Poklonskaya, accusing the Mejlis, which had been the representative body of the Crimean Tatars since its establishment in 1991 and had enjoyed full legal status since May 1999, of extremism, terrorism, human rights violations, illegal actions and acts of sabotage against the authorities;
- H. whereas the Mejlis has now been declared an extremist organisation and included in the Russian Justice Ministry’s list of NGOs whose activities must be suspended; whereas the activities of the Mejlis have consequently been banned in Crimea and in Russia; whereas this ban could apply to more than 2 500 members of 250 village and town mejlises in Crimea;
- I. whereas the decision of the so-called Prosecutor-General and so-called Supreme Court of Crimea are intrinsic parts of the policy of repression and intimidation on the part of the Russian Federation, which is punishing this minority for its loyalty towards the Ukrainian state during the illegal annexation of the peninsula two years ago;
- J. whereas there is a clear breach of international humanitarian law (including the Fourth Hague Convention of 1907, the Fourth Geneva Convention of 1949 and Additional Protocol I thereto of 1977), under which an occupying power cannot prosecute civilians for crimes occurring before the occupation and the penal laws of the occupied territory shall remain in force;
1. Strongly condemns the decision of the so-called Supreme Court of Crimea to ban the Mejlis of the Crimean Tatar People, and demands its immediate reversal; considers this decision to constitute systemic and targeted persecution of the Crimean Tatars, and to be a politically motivated action aimed at further intimidating the legitimate representatives of the Tatar community; stresses the importance of this democratically elected decision-making body representing the Crimean Tatar people;

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2. Points out that the ban on the Mejlis of the Crimean Tatar People, which is the legitimate and recognised representative body of the indigenous people of Crimea, will provide fertile ground for stigmatising the Crimean Tatars, further discriminating against them and violating their human rights and basic civil liberties, and is an attempt to expel them from Crimea, which is their historical motherland; is concerned that the branding of the Mejlis as an extremist organisation may lead to additional charges in accordance with provisions of the Criminal Code of the Russian Federation;
3. Recalls that the banning of the Mejlis means that it will be prohibited from convening, publishing its views in the mass media, holding public events or using bank accounts; calls for the EU to provide financial support for the activities of the Mejlis while it is in exile; calls for increased financing for human rights organisations working on behalf of Crimea;
4. Recalls the sad second anniversary of the illegal annexation of the Crimean peninsula by the Russian Federation on 20 February 2014; recalls its severe condemnation of that act, which was in breach of international law; expresses its strong commitment to the policy of non-recognition of the illegal annexation of Crimea and to the sanctions imposed in the aftermath thereof, and calls for consideration to be given to extending the list of people targeted by EU sanctions in relation to the banning of the Mejlis; calls on all Member States to adhere strictly to that list; regrets the visits to Crimea — organised without the consent of the Ukrainian authorities — by some politicians from EU Member States, including members of their national parliaments and of the European Parliament, and calls on parliamentarians to refrain from such visits in the future;
5. Reconfirms its full commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognised borders and its free and sovereign choice to pursue a European path; calls on all parties to immediately pursue peaceful reintegration of the occupied Crimean peninsula into the Ukrainian legal order through political dialogue and in full compliance with international law; believes that the restoration of Ukrainian control over the peninsula is fundamental for the reestablishment of cooperative relations with the Russian Federation, including the suspension of Crimea-related sanctions;
6. Condemns the severe restrictions on the freedoms of expression, association and peaceful assembly, including at traditional commemorative events such as the anniversary of the deportation of the Crimean Tatars by Stalin's totalitarian Soviet Union regime and at cultural gatherings of the Crimean Tatars;
7. Condemns restrictions on free media in Crimea, in particular the withdrawal of the licence of the largest Crimean Tatar television channel, ATR; calls for the reopening of that channel and of the children's television channel Lale and the radio station Meydan; considers that these acts deprive the Crimean Tatar people of a vital instrument for maintaining their cultural and linguistic identity; notes the establishment of the new station TV Millet, and calls for its full editorial independence to be ensured;
8. Strongly regrets the systematic restrictions on freedom of expression on the pretext of extremism, and the monitoring of social media with the aim of identifying activists who do not recognise the new order and who criticise the validity of the 'referendum' held on 16 March 2014; recalls that a hundred UN General Assembly member states took the same stance with the adoption of resolution 68/262;
9. Recalls that the indigenous Crimean Tatar people have suffered historic injustices which led to their massive deportation by Soviet authorities and to the dispossession of their lands and resources; regrets the fact that discriminatory policies applied by the so-called authorities are preventing the return of these properties and resources, or are being used as an instrument to buy support;
10. Urges the Russian Federation, which under international humanitarian law bears ultimate responsibility as the occupying state in Crimea, to uphold the legal order in Crimea and protect citizens from arbitrary judicial or administrative measures and rulings, thus fulfilling its own commitments as a member of the Council of Europe, and to conduct independent international investigations of any violations of international law or human rights committed by the occupying forces and the so-called local authorities; calls for the reactivation of the contact group for the families of disappeared persons;

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11. Calls for permanent and unimpeded access to Crimea for the relevant international human rights bodies, with the aim of monitoring the human rights situation;
  12. Welcomes the Ukrainian initiative to establish an international negotiation mechanism in the 'Geneva Plus' format for the re-establishment of Ukrainian sovereignty over Crimea, which should include direct engagement by the EU; calls on the Russian Federation to start negotiations with Ukraine and other parties on the de-occupation of Crimea, to lift trade and energy embargos and to revoke the state of emergency in Crimea;
  13. Calls for the preservation of the historical and traditional multicultural environment of Crimea and for full respect for Ukrainian, Tatar and other minority languages and distinctive cultures; condemns legal pressure on Crimean Tatar cultural and educational organisations, including those dealing with Crimean Tatar children;
  14. Calls on the Russian Federation to investigate all cases of torture of prisoners illegally apprehended in Crimea, including Ahtem Çiygoz, the First Deputy Chair of the Mejlis, Mustafa Degermendzhi and Ali Asanov, who were arrested in Crimea by the so-called local authorities for their peaceful protest against the occupation, and to guarantee their safe return to Ukraine; reiterates its call for the release of Oleg Sentsov and Oleksandr Kolchenko; urges the Russian Federation to end the politically motivated prosecution of dissidents and civic activists; condemns their subsequent transfer to the Russian Federation and the forcible attribution of Russian citizenship; calls on the Russian Federation to cooperate closely with the Council of Europe and the OSCE in the abovementioned cases;
  15. Calls on the European External Action Service and the Council to strengthen pressure on the Russian Federation to allow international organisations access to Crimea for the purpose of monitoring the human rights situation in view of the ongoing gross violations of fundamental freedoms and human rights in the peninsula, and of establishing permanent international monitoring and convention-based mechanisms; stresses that any international presence on the ground should be well coordinated, agreed with Ukraine and supported by the major international human rights organisations;
  16. Reiterates its grave concern regarding the situation of LGBTI people in Crimea, which has substantially worsened following the Russian annexation;
  17. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the President, Government and Parliament of Ukraine, the Council of Europe, the Organisation for Security and Cooperation in Europe, the President, Government and Parliament of the Russian Federation, and the Mejlis of the Crimean Tatar People.
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P8\_TA(2016)0219

**Gambia****European Parliament resolution of 12 May 2016 on The Gambia (2016/2693(RSP))**

(2018/C 076/05)

*The European Parliament,*

- having regard to its previous resolutions on The Gambia,
  - having regard to its resolution of 12 March 2015 on the EU's priorities for the UN Human Rights Council in 2015 <sup>(1)</sup>,
  - having regard to several parliamentary questions regarding the situation in The Gambia,
  - having regard to the European External Action Service (EEAS) statement of 17 April 2016 on the human rights situation in The Gambia,
  - having regard to several statements made by the EU Delegation to The Gambia,
  - having regard to the African Union Commission's resolution of 28 February 2015 on the human rights situation in the Republic of The Gambia,
  - having regard to the statement made by UN Secretary-General Ban Ki-moon on 17 April 2016,
  - having regard to the UN Human Rights Council report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Addendum: Mission to The Gambia, of 2 March 2015,
  - having regard to the report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions on The Gambia of 11 May 2015,
  - having regard to the report of the United Nations Working Group on the Universal Periodic Review on The Gambia of 24 December 2014,
  - having regard to the Cotonou Partnership Agreement signed in June 2000,
  - having regard to the Gambian Constitution,
  - having regard to the African Charter on Democracy, Elections and Governance,
  - having regard to the African Charter on Human and Peoples' Rights,
  - having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 1981,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Yahya Jammeh took power in The Gambia in a military coup in 1994; whereas he was elected president in 1996 and has since been re-elected three times, under disputed circumstances;

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<sup>(1)</sup> Texts adopted, P8\_TA(2015)0079.

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- B. whereas presidential elections are scheduled to be held on 1 December 2016 and legislative elections on 6 April 2017; whereas the last presidential elections, held in 2011, were condemned by the Economic Community of West African States (ECOWAS) as lacking legitimacy and being accompanied by repression and intimidation of the opposition parties and their electorate;
- C. whereas a peaceful protest, held on 14 April 2016 in Serekunda, a suburb of the capital Banjul, calling for electoral reform led to violent reactions by the Gambian security forces and arbitrary detention of protestors, among them several members of the United Democratic Party (UDP); whereas Solo Sandeng, the opposition leader and a member of the UDP, died in detention shortly after his arrest in suspicious circumstances;
- D. whereas members of the UDP gathered again on 16 April 2016 to demand justice for Mr Sandeng's death and the release of other members of their party; whereas police fired tear gas at the demonstrators and arrested a number of people;
- E. whereas another opposition leader, Ousainou Darboe, and other senior party officials were arrested and remain in state custody, reportedly suffering from serious injuries;
- F. whereas Alagie Abdoulie Ceesay, the managing director of the independent radio station Teranga FM, who was arrested on 2 July 2015 by the National Intelligence Agency (NIA), has been denied bail three times despite his poor state of health;
- G. whereas in March 2016, the United Nations Working Group on Arbitrary Detention released an opinion, adopted during its last session in December 2015, stressing that Mr Ceesay had been arbitrarily deprived of liberty and calling on The Gambia to release him and drop all charges against him;
- H. whereas human rights defenders and journalists in The Gambia are victims of abusive practices and repressive legislation and constantly face harassment and intimidation, arrest and detention, and enforced disappearance or being forced into exile;
- I. whereas torture and other forms of ill-treatment are regularly used in The Gambia; whereas people are reported to have been routinely brutally tortured or otherwise ill-treated in order to extract 'confessions', which are then used in court, as evidenced in the report drawn up following the visit of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to The Gambia in 2014;
- J. whereas arbitrary detentions by the NIA and the police are routinely carried out, such as in the case of the former Deputy Minister of Agriculture, Ousman Jammeh, and Islamic scholars Sheikh Omar Colley, Imam Ousman Sawaneh and Imam Cherno Gassama, and individuals are often held without charge and beyond the 72-hour time limit within which a suspect must be brought before a court, in violation of the constitution;
- K. whereas the current anti-homosexuality legislation in The Gambia provides for long prison terms and hefty fines for 'aggravated homosexuality'; whereas LGBTI people are often victims of attacks, threats or arbitrary arrests by security forces and some of them have been forced to leave the country for their own safety;
- L. whereas The Gambia is one of the fifteen poorest countries in the world with close to a quarter of the population facing chronic food insecurity; whereas the country is highly dependent on international aid; whereas 14 475 Gambians have applied for asylum in the EU since 2015;
- M. whereas the situation of human rights, democracy and the rule of law in The Gambia raises real concerns; whereas the EU has been addressing these issues in a dialogue under Article 8 of the Cotonou Agreement since the end of 2009, but with little concrete progress;

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- N. whereas, following concerns over the human rights situation, the EU drastically reduced its aid to The Gambia, although it remains the country's largest aid donor with a total of EUR 33 million allocated for the 2015-2016 national indicative programme (NIP) period; whereas following this reduction in aid, President Jammeh abruptly expelled the EU's Chargé d'Affaires to The Gambia, Agnes Guillard, in June 2015;
- O. whereas the NIP for The Gambia for 2015-2016 provides for investments in agriculture and food security, as well as in the transport sector, but no funds are allocated to civil society development, democratic governance or the promotion of human rights and the rule of law;
- P. whereas The Gambia is a member of ECOWAS; whereas in July 2014 an Economic Partnership Agreement (EPA) was concluded between the EU and ECOWAS, which will be ratified in 2016; whereas EPAs shall strengthen not only fair trade but also human rights and the achievement of Sustainable Development Goals;
- Q. whereas The Gambia is a Member State of the African Union (AU), a State Party to the African Charter and a signatory to the African Charter on Democracy, Elections and Governance;
- R. whereas the 2015 Election Amendment Act prices out opposition parties, making The Gambia one of the most expensive countries in which to vie for public office and curtailing the rights of citizens in the process;
1. Expresses its deepest concern regarding the rapidly worsening security and human rights situation in The Gambia and deplores the attacks of 14 and 16 April 2016 against peaceful demonstrators;
  2. Calls for the immediate release of all protestors arrested in relation to the 14 and 16 April 2016 protests; requests that the Government of the Republic of The Gambia ensure due process for any suspects detained on allegations of participating in the attempted unconstitutional change of government; calls on the authorities of The Gambia to guarantee the physical and psychological integrity of these suspects in all circumstances and to secure medical treatment for those injured without delay; expresses its concern regarding the testimonies of torture and ill-treatment of other prisoners;
  3. Urges the Gambian authorities to conduct a swift and independent investigation into these events, and in particular expresses grave concern about the reported death in custody of opposition activist Solo Sandeng;
  4. Strongly condemns the forced disappearances, arbitrary detentions, torture and other human rights violations targeted at voices of dissent, including journalists, human rights defenders, political opponents and critics, as well as lesbian, gay, bisexual and transgender people, under the government of President Yahya Jammeh; calls for any prisoners detained incommunicado to be either brought to trial or released;
  5. Calls on the EU and the AU to work with The Gambia to put in place safeguards against torture, ensure independent access to prisoners and reform all legislation interfering with the rights of freedom of expression, association and peaceful assembly, including the offences of sedition, criminal libel and 'spreading false information' in the Criminal Code and the amendment of the Information and Communication Act of 2013, which includes censorship of online expression;
  6. Calls on The Gambia to ratify the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
  7. Calls on the Government of The Gambia to investigate the evidence on the NIA's human rights violations, to develop legislation that addresses equal rights for citizens, including inequality issues, and to continue with plans to establish a National Human Rights Commission, in line with the Paris Principles on human rights institutions, to investigate and monitor alleged human rights abuses;

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8. Urges the Government of The Gambia and the regional authorities to take all necessary measures to stop the discrimination against, and attacks and criminalisation of, LGBTI people and to guarantee their right to freedom of expression, including the removal of provisions criminalising LGBTI people from the Gambian Criminal Code;
  9. Calls on the Gambian authorities to prevent any religious discrimination and to encourage and act in favour of a peaceful and inclusive dialogue between all communities;
  10. Calls on ECOWAS and the AU to remain engaged towards the ongoing human rights violations committed by the Gambian regime; recalls that security and stabilisation remain great challenges in the West African region and insists on the need for the AU and ECOWAS to closely monitor the situation in The Gambia and maintain a permanent political dialogue with the Gambian authorities on the strengthening of democracy and the rule of law;
  11. Urges the Government of the Republic of The Gambia to ratify the African Charter on Democracy, Elections and Governance in advance of the presidential elections scheduled for December 2016;
  12. Calls on the Government of The Gambia to engage in genuine dialogue with all opposition political parties on legislative and policy reforms that will ensure a free and fair election and guarantee respect for freedom of association and assembly, in line with The Gambia's international obligations; recalls that the full participation of the opposition and independent civil society in the independent and free national elections is an important factor for the success of these elections;
  13. Encourages the international community, including local human rights organisations and NGOs, as well as the EU Delegation to The Gambia and other relevant international institutions, to actively monitor the electoral procedure, with special regard to securing public respect for freedom of association and assembly;
  14. Calls on the Government of The Gambia to take all necessary measures to guarantee, in all circumstances, full respect of freedom of expression and freedom of the press; calls, in this regard, for the reform of the provisions of the Information and Communication Act in order to bring the national legislation into line with international standards;
  15. Is concerned that the 2015-2016 NIP for The Gambia does not provide for any support or funding for civil society or for democratic governance, promotion of the rule of law and human rights protection; calls on the Commission to ensure that democratic governance, the rule of law and human rights protection are the focal sectors of any future development cooperation agreements to be considered between the EU and The Gambia;
  16. Calls on the EU Delegation to the Gambia to use all tools at its disposal, including the European Instrument for Democracy and Human Rights, to actively monitor detention conditions in The Gambia, and to accompany and monitor investigations into the government's suppression of the protests of 14 and 16 April 2016 and the treatment of protestors in detention, and to further step up efforts to engage with political opposition members, student leaders, journalists, human rights defenders, trade union officials and LGBTI leaders;
  17. Urges the EU and its Member States to conduct a public consultation under Article 96 of the Cotonou Agreement, and to consider freezing all non-humanitarian assistance to the Government of The Gambia and imposing travel bans or other targeted sanctions on officials responsible for serious human rights abuses;
  18. 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 African Union, the governments of the member countries of the Economic Community of West African States, the Government and Parliament of The Gambia, the Secretary-General of the United Nations, the UN Human Rights Council and the ACP-EU Joint Parliamentary Assembly.
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P8\_TA(2016)0220

**Djibouti****European Parliament resolution of 12 May 2016 on Djibouti (2016/2694(RSP))**

(2018/C 076/06)

*The European Parliament,*

- having regard to its previous resolutions on Djibouti, including those of 4 July 2013 on the situation in Djibouti <sup>(1)</sup> and of 15 January 2009 on the situation in the Horn of Africa <sup>(2)</sup>,
- having regard to the National Indicative Programme for Djibouti under the 11th European Development Fund of 19 June 2014,
- having regard to the statements of 12 April 2016 and 23 December 2015 by the European External Action Service spokesperson,
- having regard to the Declaration by the High Representative, Federica Mogherini, on behalf of the EU on the occasion of the World Press Freedom Day on 3 May 2016,
- having regard to the EU's regional political partnership for peace, security and development in the Horn of Africa,
- having regard to the International Covenant on Civil and Political Rights,
- having regard to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the Convention on the Elimination of All Forms of Discrimination Against Women,
- having regard to the African Charter on Human and Peoples' Rights, which Djibouti has ratified,
- having regard to the actions and communications by the Food and Agriculture Organisation of the United Nations (FAO) concerning Djibouti,
- having regard to the preliminary conclusions of 10 April 2016 of the African Union election observation mission which monitored the presidential elections,
- having regard to the Rome Statute of the International Criminal Court, to which Djibouti has been a State Party since 2003,
- having regard to a framework agreement signed on 30 December 2014 between the UMP (Union for the Presidential Majority), the coalition in power, and the USN (Union for National Salvation), the coalition of opposition parties, aimed at promoting 'peaceful and democratic national politics',
- having regard to Decree No 2015-3016 PR/PM of 24 November 2015, adopted by the Djibouti Council of Ministers, establishing exceptional security measures following the Paris attacks of 13 November 2015,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,
- having regard to the Cotonou Agreement signed on 23 June 2000 and revised on 22 June 2010,

<sup>(1)</sup> OJ C 75, 26.2.2016, p. 160.

<sup>(2)</sup> OJ C 46 E, 24.2.2010, p. 102.

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- having regard to the 1992 Constitution of the Republic of Djibouti, which recognises fundamental liberties and basic principles of good governance,
  - having regard to the Guidelines for African Union Electoral Observation and Monitoring Missions,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Ismail Omar Guelleh has been the President of Djibouti since 1999, having enjoyed a landslide victory in the April 2016 elections with 87,1 % of the vote that was criticised by opposition parties and rights groups as having been obtained by political repression; whereas some opposition candidates boycotted the elections of 2005, 2011 and 2016; whereas President Guelleh persuaded the National Assembly to amend the Constitution in 2010 after announcing that he would not stand again for election in 2016, thereby making it possible for him to stand for a third term in 2011; whereas the ensuing civil society protests were quashed;
- B. whereas Djibouti's prime location in the Gulf of Aden has made it strategically important for foreign military bases and it is considered as a hub for combating piracy and terrorism;
- C. whereas ten Djiboutian women went on hunger strike in Paris to demand an international inquiry into the rape of Djiboutian women, with four of the hunger-strikers claiming to have been raped themselves, while another, Fatou Ambassa, 30, fasted in memory of her cousin, Halima, who was allegedly fatally gang-raped in 2003 at the age of 16; whereas eight of these women continued their protests for nineteen days from 25 March to 12 April 2016, and ten more women followed suit in Brussels; whereas the Djiboutian authorities dispute their claims; whereas women have been taken hostage in the conflict between the Djibouti army and FRUD-armé; whereas the Djiboutian Women's Committee (*Comité des Femmes Djiboutiennes Contre le Viol et l'Impunité* (COFEDVI)), which was established in 1993, has recorded 246 cases of rape by soldiers gathered from around 20 complaints filed;
- D. whereas no EU electoral observation mission was invited to monitor the elections and whereas the electoral experts mission offered by the EU was turned down by the Djibouti authorities; whereas the African Union election observation mission recommends the establishment of an Independent Electoral Commission to be put in charge of the electoral process, including the announcement of provisional results;
- E. whereas three opposition candidates, Omar Elmi Khaireh, Mohamed Moussa Ali and Djama Abdourahman Djama, contested the April 2016 election results as lacking transparency and not showing the will of the Djiboutian people; whereas local human rights organisations have not recognised the results; whereas political space for the opposition remains very narrow, with limited freedom of expression; whereas police forces and security services have tight control of the country, and the judiciary is weak and close to the government; whereas opposition leaders were constantly subjected to imprisonment and harassment and there have been allegations of torture; whereas it is alleged that the army was ordered to remove opposition representatives from some polling stations so that the ballot boxes could be stuffed, while other districts such as Ali-Sabieh were put under military control; whereas President Guelleh hosted a party allegedly to reward the army for its contribution to the election before the official results were even released; whereas the African Union has deplored a number of irregularities (the lack of records, the failure to post results and the fact that the votes were not counted in public);
- F. whereas on 31 December 2015, following the exclusion of opposition members of parliament, a law imposing the state of emergency introduced in November 2015 was used to restrict individual liberties and repress opposition activists, human rights defenders, trade unionists and journalists;

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- G. whereas on 30 December 2014 the ruling coalition, the UMP, signed a framework agreement with the opposition coalition, the USN, which made provision for a reform of the Independent National Electoral Commission (*Commission Électorale Nationale Indépendante*), the creation of a joint parliamentary commission, and short and medium-term reforms; whereas the Joint Parliamentary Commission was established in February 2015, but none of the most important draft laws (such as the law on the creation of an independent joint electoral commission and the law on the rights and obligations of political parties) have been submitted; whereas on 26 August 2015 the Djiboutian authorities announced that the electoral commission would not be reformed;
- H. whereas there are no private television or radio stations in Djibouti, with the authorities closely monitoring opposition websites and regularly blocking human rights organisations' websites and social media; whereas the government owns the main newspaper, *La Nation*, and the national broadcaster, *Radiodiffusion-Télévision de Djibouti*, which practise self-censorship; whereas in 2015 Freedom House declared that the press in Djibouti was not free; whereas Djibouti is ranked 170th (out of 180 countries) in the worldwide index of press freedoms 2015 compiled by Reporters Without Borders; whereas, throughout the UMP coalition's rule, opposition parties and activists have continually been repressed and many party activists and journalists, including a BBC reporter during the 2016 presidential election campaign, have been subjected to legal proceedings; whereas on 19 January 2016 the main opposition newspaper, *L'Aurore*, was shut down by court order; whereas the National Communication Commission, which was supposed to be set up in 1993, has not yet been created;
- I. whereas, in 2012 especially, the region of Mablās saw a wave of arbitrary arrests of suspected FRUD-armé members;
- J. whereas it has been alleged that at least 27 people were killed and more than 150 wounded by the authorities at a cultural celebration in Buldugo on 21 December 2015, although the Djiboutian Government insists that the death toll was as low as seven; whereas police also later invaded the premises at which opposition leaders were meeting, injured a number of opposition leaders and imprisoned two prominent opposition leaders (Abdourahman Mohammed Guelleh, Secretary-General of the USN, and Hamoud Abdi Souldan) without bringing any charges against them; whereas both were released just a few days before the presidential elections, with the former facing criminal charges; whereas a trade union leader and human rights defender, Omar Ali Ewado, was detained incommunicado from 29 December 2015 to 14 February 2016 for publishing a list of the victims of the massacre and those still missing; whereas his lawyer was also detained at the airport; whereas Said Houssein Robleh, an opposition member and Secretary-General of the LDDH, was injured by Djiboutian police bullets and is currently in exile in Europe;
- K. whereas detention conditions in Djibouti's prisons are extremely worrying;
- L. whereas, following the Paris terrorist attacks of 13 November 2015, the Djibouti Council of Ministers adopted Decree No 2015-3016 PR/PM on 24 November 2015, banning assembly and gatherings in public areas, as a counterterrorism measure;
- M. whereas there is no legislation against domestic violence and spousal rape in Djibouti; whereas the authorities have informed the UN Committee on the Elimination of Discrimination against Women (CEDAW) that they are aware of shortcomings in their attempts to tackle gender-based violence; whereas, despite being illegal since 2005, various forms of female genital mutilation have been carried out on 98 % of females in Djibouti;
- N. whereas, according to the World Bank, more than 23 % of Djiboutians live in extreme poverty, with 74 % living on less than USD 3 a day; whereas the food insecurity in Djibouti has been exacerbated by high food prices, water scarcity, climate change and reduced pasture; whereas Djibouti is a beneficiary of the EU's EUR 79 million aid package for Great Horn of Africa nations affected by El Niño;

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- O. whereas respect for human rights, democratic principles and the rule of law are the very foundation of the ACP-EU partnership and constitute essential elements of the Cotonou Agreement; whereas the EU should intensify without delay the regular political dialogue with Djibouti under Article 8 of the Cotonou Agreement;
- P. whereas Djibouti is currently receiving EUR 105 million in bilateral EU funds, primarily for water and sanitation and food and nutrition security, as part of the EU's National Indicative Programme, under the 11th European Development Fund; whereas from 2013 to 2017, Djibouti will have received EUR 14 million as part of the EU's Supporting Horn of Africa Resilience initiative, which aims to empower communities to withstand recurrent droughts;
- Q. whereas Djibouti is currently hosting more than 15 000 refugees from Somalia and Eritrea and about 8 000 more from Yemen; whereas women and girls in refugee camps are at risk of gender-based violence; whereas the Commission is providing assistance, such as life-saving services, and financial aid to the communities hosting refugee camps;
1. Expresses concern regarding the stalled democratisation process in Djibouti, which was worsened by the parliament making amendments to the provisions of the Djiboutian constitution on the limitation of presidential terms, and the claims that members of the opposition were harassed and excluded from many polling stations; emphasises the importance of fair elections, free from intimidation;
  2. Calls for a thorough investigation into the transparency of the electoral process and the 2016 elections in Djibouti; repeats the EU's call for the results from each polling station in both the 2013 and 2016 elections to be published;
  3. Strongly denounces the rapes allegedly committed by Djiboutian soldiers against civilians and reported by various NGOs, as highlighted by the hunger strike cases, and calls on the Djiboutian authorities to conduct a thorough investigation into the actions of the military in particular and bring an end to impunity; calls on the UN to investigate the human rights situation in Djibouti, in particular the situation of women in the country; expresses its strong solidarity with the Djiboutian women currently on hunger strike in France and Belgium;
  4. Denounces military and police interference in democratic processes and reiterates that a thorough and transparent investigation into the election process is essential; raises concerns about the apparent willingness of the President to prematurely celebrate his victory in the April 2016 elections; reminds Djibouti that it is a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and that Article 16 of the Djiboutian Constitution stipulates that 'no one shall be subjected to torture or ill-treatment or cruel, inhuman, degrading or humiliating acts'; calls on Djibouti to thoroughly investigate allegations of torture and ill-treatment and ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated, and to establish an independent mechanism to investigate allegations of misconduct;
  5. Regrets the decision of the Djiboutian authorities not to reform the National Electoral Commission as envisaged by the Framework Agreement signed on 30 December 2014, and urges them to work closely with the opposition to produce a fairer and more transparent electoral process;
  6. Reminds the Djiboutian authorities of their commitment, under the Guidelines for African Union Electoral Observation and Monitoring Missions, to protect journalists, condemns the way in which journalists have been treated and reminds the Djiboutian authorities of the importance of freedom of the press and the right to a fair trial; demands a reasoned explanation from the Djiboutian authorities about the treatment of journalists; firmly condemns the harassment and imprisonment without charges of opposition leaders, journalists and independent human rights activists in the run-up to the presidential elections; calls on the Djiboutian authorities to put an end to the repression of political opponents and journalists and to release all those who are being detained on political grounds or for exercising media freedom; calls on the Djiboutian authorities to review the country's state of emergency legislation in order to bring it fully into line with international law;

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7. Condemns the lack of an independent press in Djibouti and the monitoring and censorship of websites critical of the government; regrets the practice of self-censorship conducted by the state-owned media; calls on the Djiboutian Government to grant FM broadcasting licences to any independent media bodies that so request; calls on the government to grant foreign journalists free access to the country to enable them to engage in their work safely and objectively; calls on the Djiboutian Government to put in place the national communication commission and to authorise independent and private broadcasting;
  8. Deplores the killings carried out at the cultural ceremony on 21 December 2015 and the ensuing detentions and acts of harassment of human rights defenders and opposition members; expresses its condolences to the families of the victims and demands a full and independent inquiry with a view to identifying and bringing to justice those responsible; reiterates its condemnation of arbitrary detention and calls for the rights of the defence to be respected;
  9. Calls on the Djiboutian authorities to guarantee respect for the human rights recognised in the national and international agreements which Djibouti has signed and to safeguard civil and political rights and freedoms, including the right to demonstrate peacefully and freedom of the media;
  10. Urges the government to continue to provide training to police and other officials for the purposes of applying the Human Trafficking Act, to step up efforts to bring human traffickers to justice and to raise awareness of the issue of trafficking among the judicial, legislative and administrative authorities, civil society and non-governmental organisations operating in the country, as well as the general public;
  11. Demands that women and men be treated equally before the law in Djibouti and reminds the authorities that they are a party to the Convention on the Elimination of all forms of Discrimination against Women;
  12. Welcomes the Djiboutian Government's interventions in the widespread practice of female genital mutilation, but would like to see more improvements made;
  13. Calls on the authorities to grant NGOs access to the Obock, Tadjoural and Dikhil districts;
  14. Asks the civilian and military authorities to show maximum restraint during police and army operations in the north of the country, and in particular not to use any kind of violence against civilian populations nor to utilise these populations as a shield around military camps;
  15. States its willingness to monitor the situation in Djibouti closely and to propose restrictive measures in the event of a breach of the Cotonou Agreement (2000), and in particular Articles 8 and 9 thereof; calls on the Commission likewise to monitor the situation closely;
  16. Urges the European External Action Service, the Commission and their partners to work with the Djiboutians on long-term political reform, which should be particularly facilitated by the strong relationship that already exists, given that Djibouti has been a key component of the fight against terrorism and piracy in the region, as well as hosting a military base and contributing to stability in the region;
  17. Calls on the Commission to provide further support for independent organisations and civil society, in particular by opening a call for tenders as soon as possible in the framework of the European Instrument for Democracy and Human Rights;
  18. Instructs its President to forward this resolution to the Government of Djibouti, the institutions of the African Union, the Intergovernmental Authority on Development, the Arab League, the Organisation of Islamic Cooperation, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Member States and the Co-Presidents of the ACP-EU Joint Parliamentary Assembly.
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P8\_TA(2016)0222

## Traceability of fishery and aquaculture products in restaurants and retail

### European Parliament resolution of 12 May 2016 on traceability of fishery and aquaculture products in restaurants and retail (2016/2532(RSP))

(2018/C 076/07)

The European Parliament,

- having regard to Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 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 <sup>(1)</sup>,
- having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(2)</sup>,
- having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 <sup>(3)</sup>,
- having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(4)</sup>,
- having regard to 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 <sup>(5)</sup>,
- having regard to its resolution of 14 January 2014 on the food crisis, fraud in the food chain and the control thereof <sup>(6)</sup>,
- having regard to the motion for a resolution of the Committee on Fisheries,
- having regard to the question to the Commission on traceability of fishery and aquaculture products in restaurants and retail (O-000052/2016 — B8-0365/2016),
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,

A. whereas the EU is the world's largest seafood market, which is supplied by both the EU fisheries sector and imports from third countries;

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 1.

<sup>(2)</sup> OJ L 31, 1.2.2002, p. 1.

<sup>(3)</sup> OJ L 304, 22.11.2011, p. 18.

<sup>(4)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(5)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(6)</sup> Texts adopted, P7\_TA(2014)0011.

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- B. whereas consumers have a right to information expressed in understandable terms, including coastal and geographical information on the capture zones, and should be able to fully rely on the whole chain that provides fishery products in the EU market; whereas the EU and the Member States have a duty to protect EU citizens from fraudulent acts; whereas all imported products must comply with EU rules and standards;
- C. whereas the Commission is preparing a detailed and exhaustive inventory of voluntary claims associated with fishery and aquaculture products which are marketed in the EU; whereas the Commission's findings could lead to the setting-up of an external structure certifying voluntary claims for fishery and aquaculture products on the EU market;
- D. whereas the Commission's 2015 EU control plan <sup>(1)</sup> assessing the prevalence on the market of white fish mislabelled with regard to its declared species found that the declared species was confirmed in 94 % of the samples taken; whereas, however, for certain species non-compliance levels were very high, and the rate of 6 % is considered relatively low compared with other more limited studies in Member States;
- E. whereas Article 36 of Regulation (EU) No 1379/2013 required the Commission to submit to Parliament and the Council by 1 January 2015 a feasibility report on options for an eco-label scheme for fishery and aquaculture products;
- F. whereas the common organisation of the markets (CMO) should guarantee fair competition and income for producers of fishery products sold or bought in the EU;
1. Expresses its serious concern and discontent at the results of various studies showing significant levels of mislabelling on fish products sold on the EU market, including in the restaurants of the EU institutions; reaffirms that the intentional and fraudulent mislabelling of fish species is a breach of EU regulations, including the Common Fisheries Policy, and may constitute a criminal offence under national law;
  2. Calls on the Member States to strengthen national controls, including on non-processed fish for restaurants and the catering sector, in an effort to tackle fraud and identify the stage in the supply chain where fish is mislabelled; is concerned by the substitution of high-quality species with lower-quality counterparts; calls on the Commission and the Member States to study what measures could be put in place to improve the traceability of fishery and aquaculture products; supports the creation of a working group to harmonise the implementation of traceability in all Member States and the setting-up of an external structure enabling the certification of voluntary claims for fishery and aquaculture products on the EU market;
  3. Supports a strong traceability system, from landing to consumption, which would give confidence to consumers and, in turn, decrease commercial dependency on imported fishery and aquaculture products, thereby strengthening the EU market; calls on the Commission to exploit the potential of DNA barcoding, which could assist in the identification of species by DNA sequencing, in order to enhance traceability;
  4. Welcomes the new framework of the CMO and urges the Commission, in accordance with Article 36 of Regulation (EU) No 1379/2013, to submit a feasibility report on options for an eco-label scheme for fishery and aquaculture products; highlights the need to establish minimum standards for ecolabelling; considers that the key elements of the labelling system must ensure transparency, independence and credibility of the certification process; asks for an in-depth analysis of the benefits of setting up an EU-wide labelling system;
  5. Calls on the Commission to monitor on a regular basis the extent to which the required information appears on labels; stresses that labelling must provide understandable, verifiable and accurate information; encourages the Member States, in the context of voluntary labelling, to state all available information that enables the consumer to make an informed choice; urges the Commission and the Member States to strengthen awareness-raising campaigns on labelling requirements for fishery and aquaculture products;

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<sup>(1)</sup> [http://ec.europa.eu/food/safety/official\\_controls/food\\_fraud/fish\\_substitution/index\\_en.htm?subweb=343&lang=en](http://ec.europa.eu/food/safety/official_controls/food_fraud/fish_substitution/index_en.htm?subweb=343&lang=en)

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6. Stresses that a sound European label policy in the fisheries sector would be a key factor in boosting the economic development of coastal communities, in recognising the best practices of fishermen and in underlining the quality of the products they supply to consumers;
  7. Calls on the Commission, in the interest of guaranteeing consumers' right to accurate, reliable and comprehensible information, to adopt measures to remedy the confusion caused by the current labelling requirements based on Food and Agriculture Organisation (FAO) areas and sub-areas, which is particularly serious in the case of catches in some sub-areas of area 27, where inter alia Galicia and the Gulf of Cádiz are labelled as 'Portuguese Waters', Wales as 'Irish Sea' and Brittany as 'Bay of Biscay';
  8. Draws attention to the need to include information on the origin of fishery products in a transparent and clear manner;
  9. Highlights the need to ensure that any future Union-wide ecolabel and third-party seafood ecolabelling and certification schemes are consistent with the FAO's Guidelines for the Ecolabelling of Fish and Fishery Products from Marine Capture Fisheries;
  10. Considers that an EU-wide ecolabel for fisheries and aquaculture products, whose criteria should be further discussed at EU level, could contribute to strengthening traceability and the provision of transparent information to consumers; believes that the European Maritime and Fisheries Fund (EMFF) may fund such a label;
  11. Notes that some commercial fish denominations in force in the Member States vary among them owing to national practices that could lead to a degree of confusion; welcomes the work undertaken by the Commission to launch a pilot project, as adopted by Parliament, aimed at introducing a public database which will provide information on commercial denominations in all the EU official languages;
  12. Encourages the Commission to publicise more effectively its work in protecting marine resources and combating illegal fishing;
  13. Instructs its President to forward this resolution to the Commission.
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P8\_TA(2016)0223

**China's market economy status****European Parliament resolution of 12 May 2016 on China's market economy status (2016/2667(RSP))**

(2018/C 076/08)

*The European Parliament,*

- having regard to the EU's anti-dumping legislation (Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>),
  - having regard to China's Accession Protocol to the World Trade Organisation (WTO),
  - having regard to its previous resolutions on EU-China trade relations,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the European Union and China are two of the biggest traders in the world, with China being the EU's second biggest trading partner and the EU being China's biggest trading partner, and with daily trade flows of well over EUR 1 billion between them;
- B. whereas in 2015 investment from China into the EU for the first time exceeded investment from the EU into China; whereas the Chinese market has been the main engine of profitability for a number of EU industries and brands;
- C. whereas, when China joined the WTO, an arrangement for this accession allowed for a specific methodology for the calculation of dumping, which was introduced in Section 15 of the Accession Protocol and serves as a basis for different treatment for Chinese imports;
- D. whereas any decision on how to deal with imports from China after December 2016 must ensure compliance of EU law with WTO rules;
- E. whereas the provisions of Section 15 of China's Accession Protocol to the WTO that remain in force after 2016 provide a basis for the application of a non-standard methodology to imports from China after 2016;
- F. whereas, given the current level of state influence on the Chinese economy, firms' decisions on prices, costs, outputs and inputs do not respond to market signals reflecting supply and demand;
- G. whereas, in its Accession Protocol, China has committed, inter alia, to allowing all its prices to be determined by market forces, and whereas the EU must ensure that China complies fully with its WTO obligations;
- H. whereas China's overcapacity is already having strong social, economic and environmental consequences in the EU, as demonstrated by its recent detrimental impact on the EU steel sector, in particular in the United Kingdom, and whereas the social impact on EU jobs of granting market economy status (MES) to China could be substantial;
- I. whereas 56 of the 73 anti-dumping measures currently in force in the EU apply to Chinese imports;
- J. whereas the recently concluded public consultation on the possible granting of MES to China could provide additional information which may be useful in addressing the issue;

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

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- K. whereas the Commission communication of 10 October 2012 entitled 'A stronger European industry for growth and economic recovery' (COM(2012)0582) sets the objective of raising industry's share of EU GDP to 20 % by 2020;
1. Reiterates the importance of the EU partnership with China, in which free and fair trade and investment play an important role;
  2. Stresses that China is not a market economy and that the five criteria established by the EU to define market economies have not yet been fulfilled;
  3. Urges the Commission to coordinate with the EU's major trading partners, including in the context of the upcoming G7 and G20 summits, on how best to ensure that all provisions of Section 15 of China's Accession Protocol to the WTO that remain in force after 2016 are given full legal meaning under their domestic procedures, and to oppose any unilateral granting of MES to China;
  4. Stresses that, in the upcoming EU-China summit, the issues surrounding MES should be discussed;
  5. Calls on the Commission to take due account of the concerns expressed by EU industry, trade unions and other stakeholders as to the consequences for EU jobs, the environment, standards and sustainable economic growth in all the manufacturing sectors affected and for EU industry as a whole, and ensure, in this context, that EU jobs are defended;
  6. Is convinced that, until China meets all five EU criteria required to qualify as a market economy, the EU should use a non-standard methodology in anti-dumping and anti-subsidy investigations into Chinese imports in determining price comparability, in accordance with and giving full effect to those parts of Section 15 of China's Accession Protocol which provide room for the application of a non-standard methodology; calls on the Commission to make a proposal in line with this principle;
  7. In parallel, stresses the imminent need for a general reform of the EU's trade defence instruments in order to guarantee a level playing field for EU industry with China and other trading partners in full compliance with WTO rules; calls on the Council to rapidly seek agreement with Parliament on the modernisation of the Union's trade defence instruments;
  8. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P8\_TA(2016)0224

**Follow-up and state of play of the Agenda 2030 and Sustainable Development Goals****European Parliament resolution of 12 May 2016 on the follow-up to and review of the 2030 Agenda (2016/2696(RSP))**

(2018/C 076/09)

*The European Parliament,*

- having regard to the document entitled ‘Transforming our World: The 2030 Agenda for Sustainable Development’, adopted at the United Nations Sustainable Development Summit on 25 September 2015, in New York,
- having regard to the Third International Conference on Financing for Development held in Addis Ababa on 13-16 July 2015,
- having regard to the report by the Inter-Agency Expert Group on Sustainable Development Goal Indicators (IAEG-SDG), published on 17 December 2015 and adopted at the 47th session of the UN Statistical Commission in March 2016,
- having regard to the UN Economic and Social Council (ECOSOC) High-Level Segment to be held on 18-22 July 2016 under the theme ‘Implementing the post-2015 development agenda: moving from commitments to results’,
- having regard to its resolution of 19 May 2015 on Financing for Development <sup>(1)</sup>,
- having regard to its resolution of 25 November 2014 on the EU and the global development framework after 2015 <sup>(2)</sup>,
- having regard to the Paris Agreement adopted at the 21<sup>st</sup> Conference of Parties (COP21) in Paris on 12 December 2015,
- having regard to Article 7 of the Treaty on the Functioning of the European Union (TFEU), which reaffirms that the EU ‘shall ensure consistency between its policies and activities, taking all of its objectives into account’,
- having regard to the ongoing development of the EU Global Strategy on Foreign and Security Policy, which will guide the European Union’s global actions,
- having regard to its resolution of 24 November 2015 on the role of the EU within the UN — how to better achieve EU foreign policy goals <sup>(3)</sup>,
- having regard to the Council conclusions of 26 October 2015 on Policy coherence for development,
- having regard to the revision of the Europe 2020 Strategy — ‘The New Approach beyond 2020’,
- having regard to the Paris Declaration on Aid Effectiveness, the Accra Agenda for Action and the declaration and action plan adopted at the High-Level Forum on Aid Effectiveness held in Busan in December 2011,
- having regard to the European Consensus for Development and its upcoming revision,
- having regard to Article 208 of the TFEU, which requires the principle of policy coherence for development to be taken into account in all EU external policies,

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<sup>(1)</sup> Texts adopted, P8\_TA(2015)0196.

<sup>(2)</sup> Texts adopted, P8\_TA(2014)0059.

<sup>(3)</sup> Texts adopted, P8\_TA(2015)0403.

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- having regard to the outcomes of the World Humanitarian Summit to be held in Istanbul, Turkey, on 23-24 May 2016,
  - having regard to the letter of 29 March 2016 from its Committee on Development to the Commissioner for International Cooperation and Development on the issue of the follow-up to and review of the Sustainable Development Goals,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas UN General Assembly Resolution 70/1 calls for the goals and targets to be followed up and reviewed using a set of global indicators; whereas the UN Secretary-General has been mandated to produce an annual Sustainable Development Goals (SDG) progress report in order to provide support for the follow-up and review at the High-Level Political Forum on Sustainable Development (HLPF); whereas the SDG progress report is to be based on data produced by national statistical systems and information collected at different levels;
- B. whereas, at its 46th session (3-6 March 2015), the Statistical Commission endorsed the roadmap for the development and implementation of a global indicator framework;
- C. whereas the Inter-Agency and Expert Group on SDG Indicators (IAEG-SDG), tasked with fully developing a proposal for the indicator framework for the monitoring of the goals and targets of the post-2015 Development Agenda, proposed indicators for the review of the 2030 Agenda, which were agreed at the 47<sup>th</sup> session of the UN Statistical Commission in March 2016;
- D. whereas the proposed set of 230 Sustainable Development Goal indicators represents a good starting point and robust framework for the follow-up to and review of progress towards achieving the 17 SDGs;
- E. whereas several of the indicators are not yet finalised, while at the same time the signatory member states will have to develop their national indicators in line with global indicators, tailored to their national circumstances;
- F. whereas the global indicator framework should be agreed to by the Economic and Social Council (ECOSOC) in July 2016 and by the General Assembly in September 2016;
- G. whereas the Foreign Affairs Council in its development component will meet on 12 May 2016 and should prepare the EU position for the HLPF meeting in July 2016 and determine in what context a thematic discussion on trade and development, focusing on the EU's contribution to the private sector in implementing the 2030 Agenda, will take place;
- H. whereas system-wide strategic planning, implementation and reporting are necessary in order to ensure coherent and integrated support for the implementation of the new Agenda by the UN development system;
- I. whereas the new universal framework for sustainable development calls for more coherence between different policy areas and EU actors, requiring further coordination, dialogue and joint work at all levels within and between EU institutions to ensure the integration of the three pillars of sustainable development (environmental, economic, and social) in EU internal and external policies;
- J. whereas the HLPF meeting in July 2016 will include voluntary reviews of 22 countries including four European countries — Estonia, Finland, France and Germany — and thematic reviews of progress on the Sustainable Development Goals, including cross-cutting issues, supported by reviews by the ECOSOC functional commissions and other intergovernmental bodies and forums;

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1. Calls on the Foreign Affairs Council in its development component to adopt, ahead of the HLPF's July 2016 meeting, a coherent and common EU position, taking into account Parliament's position, as expressed in this resolution; believes that it is crucial to the EU's credibility and leadership position to present a common position; is concerned that the Commission has not published a communication on the follow-up to and review of the Agenda 2030 ahead of the HLPF meeting, as requested by the members of the Committee on Development, that would serve as a basis for the common EU position;
2. Welcomes the report of the Inter-Agency and Expert Group on the SDG indicators; believes that it represents a remarkable achievement and a good basis for negotiations since the proposed indicators draw attention to a far more diverse set of structural concerns;
3. Welcomes the separate chapter on data disaggregation and the importance given to strengthening national statistical capacities;
4. Recognises the critical role of the HLPF in the review of the implementation of the SDGs; stresses that this body must ensure a coordinated and efficient assessment of needs and the adoption of the roadmaps needed for the effective implementation of the 2030 Agenda;
5. Stresses that the 2030 Agenda and the SDGs represent a renewed international commitment to eradicating poverty, to redefining and modernising our development strategies for the next 15 years and to making sure that we deliver;
6. Calls on the Commission to come forward with a proposal for an overarching Sustainable Development Strategy encompassing all relevant internal and external policy areas, with a detailed timeline up to 2030, a mid-term review and a specific procedure ensuring Parliament's full involvement, including a concrete implementation plan coordinating the achievement of the 17 goals, 169 targets and 230 global indicators and ensuring consistency with, and delivery of, the Paris Agreement goals; stresses the importance of the universality of the goals, and the fact that the EU and its Member States have made a commitment to implementing all the goals and targets fully, in practice and in spirit;
7. Insists that the new EU Sustainable Development Strategy and associated implementation policies should be subject to a broad consultation with all stakeholders, including national parliaments, local authorities and civil society, through an inclusive process;
8. Calls for a Commission communication on the follow-up to and review of the 2030 Agenda, with clear information on the implementation structure of the Agenda at EU and Member State level; underlines the fact that all relevant Commission Directorates-General and the European External Action Service (EEAS) should be fully engaged in the integration of the 2030 Agenda in the forthcoming review of the Europe 2020 strategy and the forthcoming EU Global Strategy on Foreign and Security Policy, ensuring strong policy coherence for sustainable development;
9. Emphasises that the review of the European Consensus for Development must fully reflect the new 2030 Agenda, which includes a paradigm shift and a fully fledged transformation of EU development policy; recalls that appropriate and targeted aid programming within development cooperation, with due respect for the principles of aid effectiveness, is essential for the achievement of the goals and associated targets;
10. Stresses that the EU must take full advantage of the upcoming mid-term review of the multiannual financial framework (MFF) in order to ensure that funding mechanisms and budgetary lines reflect all 2030 Agenda commitments agreed to by the EU; calls for the EU and its Member States to recommit without delay to the 0,7 % of GNI target for ODA and to submit a timeline on how to gradually increase ODA in order to reach the 0,7 %;
11. Calls for regular dialogue between the HLPF and the Commission on the progress made, with regular reporting to Parliament, in accordance with the principles of transparency and mutual accountability; insists on the need for an enhanced dialogue between the Commission and Parliament on the implementation of the 2030 Agenda, in particular when it comes to development policy and policy coherence for development;

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12. Invites the Commission and the EEAS, in close consultation with other partners, to present concrete proposals on how to more effectively integrate policy coherence for development into the implementation of the 2030 Agenda and calls for this new approach to be mainstreamed across all EU institutions in order to ensure effective cooperation and overcome the 'silo' approach;
  13. Stresses the importance of incorporating the concept of policy coherence for development; invites the Commission and the EEAS, in close consultation with other partners, to present concrete proposals on how to more effectively integrate PCD into the EU approach to implementing the 2030 Agenda for Sustainable Development, and calls for this new approach to be mainstreamed across the EU institutions;
  14. Urges the Commission to develop effective monitoring, review and accountability mechanisms for the implementation of the 2030 Agenda, and to report back to Parliament on a regular basis; recalls, in this connection, the need to increase democratic scrutiny by Parliament, possibly through a binding interinstitutional agreement, under Article 295 of the TFEU;
  15. Invites the Commission and the UN specialised agencies, funds and programmes to establish a high-level dialogue on the implementation of the SDGs, with a view to coordinating the policies, programmes and operations of the EU, the UN and other donors; underlines the importance of disaggregated and accessible data for monitoring progress and evaluating results;
  16. Calls on UN agencies and bodies to strengthen policy coherence for development within the UN working structures, in order to effectively integrate all dimensions of sustainable development;
  17. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy and the Secretary-General of the United Nations.
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P8\_TA(2016)0225

**Mandatory indication of the country of origin or place of provenance for certain foods****European Parliament resolution of 12 May 2016 on mandatory indication of the country of origin or place of provenance for certain foods (2016/2583(RSP))**

(2018/C 076/10)

*The European Parliament,*

- having regard to Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004<sup>(1)</sup> (the 'Food Information to Consumers Regulation'), and in particular Article 26(5) and (7) thereof,
- having regard to the reports of 20 May 2015 from the Commission to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat (COM(2015)0205) and regarding the mandatory indication of the country of origin or place of provenance for unprocessed foods, single ingredient products and ingredients that represent more than 50 % of a food (COM(2015)0204),
- having regard to the report of 17 December 2013 from the Commission to the European Parliament and the Council regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient (COM(2013)0755), and the accompanying Commission Staff Working document of 17 December 2013 on origin labelling for meat used as an ingredient: consumers' attitudes, feasibility of possible scenarios and impacts (SWD(2013) 0437),
- having regard to its resolution of 11 February 2015 on country of origin labelling for meat in processed food<sup>(2)</sup>, and the formal response of the Commission adopted on 6 May 2015,
- having regard to Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry<sup>(3)</sup>,
- having regard to its resolution of 6 February 2014<sup>(4)</sup> on the above mentioned Commission implementing Regulation (EU) No 1337/2013 of 13 December 2013,
- having regard to its resolution of 14 January 2014 on the food crisis, fraud in the food chain and the control thereof<sup>(5)</sup>,
- having regard to the question to the Commission on mandatory indication of the country of origin or place of provenance for certain foods (O-000031/2016 — B8-0363/2016),

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

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0034.

<sup>(3)</sup> OJ L 335, 14.12.2013, p. 19.

<sup>(4)</sup> Texts adopted, P7\_TA(2014)0096.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0011.

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- having regard to the motion for a resolution of the Committee on the Environment, Public Health and Food Safety,
  
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
  
- A. whereas Article 26(5) of the Food Information to Consumers Regulation requires the Commission to submit reports to the European Parliament and Council by 13 December 2014 regarding the mandatory indication of the country of origin or place of provenance for types of meat other than beef, swine, sheep, goat and poultry meat, milk, milk used as an ingredient in dairy products, unprocessed foods, single ingredient products and ingredients that represent more than 50 % of a food;
  
- B. whereas Article 26(8) of the Food Information to Consumers Regulation requires the Commission to adopt implementing acts concerning the application of paragraph 3 of that Article by 13 December 2013;
  
- C. whereas origin labelling rules are already in place and operate effectively for many other food products including unprocessed meat, eggs, fruit and vegetables, fish, honey, extra virgin olive oil, virgin olive oil, wine and spirit drinks;
  
- D. whereas Article 26(7) of the Food Information to Consumers Regulation provides that the reports must, inter alia, take into account the need for the consumer to be informed, the feasibility of providing the mandatory indication of the country of origin or place of provenance and an analysis of the costs and benefits of the introduction of such measures; whereas it provides further that the reports may be accompanied by proposals to modify relevant provisions of EU legislation;
  
- E. whereas Article 26(2) of the Food Information to Consumers Regulation stresses that the indication of the country of origin or the place of provenance shall be mandatory where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance;
  
- F. whereas on 20 May 2015 the Commission published its report on the mandatory indication of the country of origin for milk, milk used as an ingredient in dairy products and types of meat other than beef, swine, sheep, goat and poultry meat ('report on milk and other meat') and its report on the mandatory indication of the country of origin for unprocessed foods, single ingredient products and ingredients that represent more than 50 % of a food;
  
- G. whereas, according to Commission report COM(2013)0755, the more complex the cutting and processing stages within the meat sector and the more advanced the level of processing, the more complex traceability becomes for the purpose of origin labelling;
  
- H. whereas the food supply chain is often long and complex, involving many food business operators and other parties; whereas consumers are increasingly unaware of how their food is produced and individual food business operators do not always have an overview of the entire product chain;
  
- I. whereas consumers' overall willingness to pay (WTP) for origin information appears to be modest although consumer surveys <sup>(1)</sup> on WTP indicate that consumers are largely willing to pay more for origin information;

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<sup>(1)</sup> [http://ec.europa.eu/food/safety/docs/labelling\\_legislation\\_final\\_report\\_ew\\_02\\_15\\_284\\_en.pdf](http://ec.europa.eu/food/safety/docs/labelling_legislation_final_report_ew_02_15_284_en.pdf), p. 50.

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- J. whereas, in its resolution of 11 February 2015, Parliament urged the Commission to follow up its report of 17 December 2013 with legislative proposals making the indication of the origin of meat in processed foods mandatory in order to ensure greater transparency throughout the food chain and to better inform European consumers, while taking into account its impact assessments and avoiding excessive costs and administrative burdens; whereas the Commission has yet to make any follow-up legislative proposals;
- K. whereas strict specifications exist only for voluntary quality schemes, such as protected designation of origin (PDO), protected geographical indication (PGI), or traditional speciality guaranteed (TSG) schemes, while the criteria used in voluntary labelling schemes for foodstuffs covered by Regulation (EU) No 1169/2011 may vary considerably;

### ***Drinking milk and milk used as an ingredient in dairy products***

1. Points out that Recital 32 of the Food Information to Consumers Regulation states that milk is one of the products for which an indication of origin is considered of particular interest;
2. Emphasises that, according to the Eurobarometer survey 2013, 84 % of EU citizens consider it necessary to indicate the origin of milk, whether sold as such or used as an ingredient in dairy products; notes that this is one of several factors that may influence consumer behaviour;
3. Points out that the mandatory indication of the origin of milk, sold as such or used as an ingredient in dairy products, is a useful measure to protect the quality of dairy products and protect employment in a sector which is going through a severe crisis;
4. Notes that, according to the survey accompanying the Commission's report on milk and other meat, the costs of mandatory origin labelling for milk and milk used as an ingredient increase as the complexity of the production process grows; notes that the same survey suggests that businesses in certain Member States had overstated the impact of mandatory origin labelling on their competitive position, as the survey could find no clear explanation for the high cost estimates given by such businesses, but stated that it may be a signal of strong opposition per se to origin labelling;
5. Calls for the establishment of a Commission Working Group to further evaluate the Commission's report, published on 20 May 2015, in order to determine which costs can be reduced to an acceptable level if further mandatory country of origin labelling proposals are limited to dairy and lightly processed dairy products;
6. Appreciates the survey's analysis of the costs and benefits of the introduction of mandatory origin labelling for milk and milk used as an ingredient, but considers that the Commission in its conclusions does not sufficiently take into account the positive aspects of country of origin labelling for such products, such as greater consumer information; notes that consumers can feel misled when information on mandatory origin labelling is not available and other food labels, such as national flags, are used;
7. Stresses the importance of small and medium-sized enterprises in the processing chain;
8. Takes the view that the Commission should take into account and analyse the economic impact of compulsory origin labelling on SMEs in the agricultural and food sectors concerned;
9. Considers that the Commission's conclusion in relation to milk and milk used as an ingredient possibly overstates the costs of country of origin labelling to business as all dairy products are considered together;

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10. Notes that the Commission concludes that the costs of country of origin labelling for milk would be modest;

#### ***Other types of meat***

11. Stresses that, according to the Eurobarometer survey 2013, 88 % of EU citizens consider it necessary to indicate the origin of meat other than beef, swine, sheep, goat and poultry meat;

12. Notes that the horsemeat scandal showed the need for greater transparency in the horsemeat supply chain;

13. Notes that the Commission's report found that the operating costs of mandatory country of origin labelling for the meats under its remit would be relatively minor;

#### ***Processed meat***

14. Highlights that the Commission's report of 17 December 2013 regarding the mandatory indication of the country of origin or place of provenance for meat used as an ingredient recognises that more than 90 % of consumer respondents consider it important that meat origin be labelled on processed food products;

15. Considers that consumers, like many professionals, are in favour of the mandatory labelling of meat in processed products and that such a measure would make it possible to maintain consumer confidence in food products by introducing greater transparency into the supply chain;

16. Emphasises that it is in the interest of the European consumer to have mandatory origin labelling on all food products;

17. Points out that labelling in itself does not provide a safeguard against fraud, and highlights the need for a cost efficient control system in order to ensure consumer trust;

18. Recalls that voluntary labelling schemes, where appropriately implemented in various Member States, have been successful for both consumer information and for producers;

19. Is of the view that the failure to adopt implementing acts pursuant to Article 26(3) of Regulation (EU) No 1169/2011 means that the Article cannot be properly enforced;

20. Notes that protected designations of origin already exist for many processed meat and dairy products (e.g. ham and cheese), according to which the origin of the meat used is laid down in the production criteria and increased traceability applies; calls, therefore, on the Commission to promote the development of products with 'protected designation of origin' (PDO), 'protected geographical indication' (PGI), or 'traditional speciality guaranteed' (TSG) pursuant to Regulation (EU) No 1151/2012<sup>(1)</sup> and thereby to ensure that consumers have access to high-quality products of safe provenance;

21. Calls on the Commission to ensure that any current EU country-of-origin labelling regulations are not weakened in any ongoing trade negotiations such as TTIP, and that the right to propose further additional country-of-origin labelling regulations in the future for other food products is not impeded;

#### ***Conclusions***

22. Calls on the Commission to implement the mandatory indication of country of origin or place of provenance for all kinds of drinking milk, dairy products and meat products, and to consider extending the mandatory indication of country of origin or place of provenance to other single-ingredient foods or those with one main ingredient, by making legislative proposals in these areas;

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

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23. Urges the Commission to submit legislative proposals making the indication of the origin of meat in processed foods mandatory in order to ensure greater transparency throughout the food chain and to better inform European consumers in the wake of the horsemeat scandal and other cases of food fraud; points out in, addition, that mandatory labelling requirements should take into account the principle of proportionality and the administrative burden for food business operators and enforcement authorities;
24. Considers that the aim of mandatory food origin labelling is to restore consumer confidence in food products; calls on the Commission to make a proposal to this end while taking into account the transparency of the information and its legibility for consumers, the economic viability of European businesses and the purchasing power of consumers;
25. Highlights the importance of a level playing field on the internal market and implores the Commission to take this into account when discussing rules regarding mandatory origin labelling;
26. Calls on the Commission to support labelling schemes relating to animal welfare during cultivation, transport and slaughter;
27. Deplores the fact that the Commission has still not made any move to include eggs and egg products in the list of foods for which indication of the country of origin or place of provenance is mandatory, even though cheap egg products made from liquid or dried eggs which are primarily used in processed foods are being imported into the EU market from third countries and are clearly circumventing the EU ban on cage rearing; takes the view, therefore, that in this context the mandatory labelling of egg products and foods containing eggs to indicate origin and rearing method could improve transparency and protection, and calls on the Commission to submit a market analysis and, if necessary, to draw up appropriate legislative proposals;
28. Believes that country of origin labelling for drinking milk, lightly processed dairy products (such as cheese and cream) and lightly processed meat products (such as bacon and sausages) would have significantly reduced associated costs, and that this labelling should be explored as a priority;
29. Considers that origin labelling as such does not prevent fraud; advocates, in this connection, that a resolute course should be taken to step up monitoring, improve enforcement of existing legislation and impose more stringent penalties;
30. Calls on the Commission to take the necessary action to combat fraud in relation to rules on the voluntary labelling of origin for foodstuffs;
31. Invites the Commission to support the existing quality schemes for agricultural products and foodstuffs covered by Regulation (EU) No 1151/2012, and asks for European promotion campaigns on those products to be stepped up;
32. Reiterates its call on the Commission to fulfil its legal obligation to adopt, by 13 December 2013, the implementing acts necessary for the proper enforcement of Article 26(3) of Regulation (EU) No 1169/2011, so that the national authorities can impose the relevant penalties;

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33. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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P8\_TA(2016)0226

## Framework Agreement on parental leave

**European Parliament resolution of 12 May 2016 on the application of Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (2015/2097(INI))**

(2018/C 076/11)

*The European Parliament,*

- having regard to Articles 2, 3(3) and 5 of the Treaty on European Union,
- having regard to Articles 8, 10, 153(1)(i) and 157 of the Treaty on the Functioning of the European Union,
- having regard to Articles 7, 9, 23, 24 and 33 of the Charter of Fundamental Rights of the European Union,
- having regard to Council Directive 2010/18/EU of 8 March 2010, implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC,
- having regard to Council Directive 2013/62/EU of 17 December 2013 amending Directive 2010/18/EU implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC, following the amendment of the status of Mayotte with regard to the European Union,
- having regard to the Presidency conclusions of the European Council held in Brussels on 23-24 March 2006 (777751/1/06 REV 1),
- having regard to the Commission communication entitled 'A better work-life balance: stronger support for reconciling professional, private and family life' (COM(2008)0635),
- having regard to the Commission recommendation of 20 February 2013 entitled 'Investing in Children: Breaking the Cycle of Disadvantage' (C(2013)0778),
- having regard to its resolution of 11 March 2015 on the European Semester for economic policy coordination: employment and social aspects in the Annual Growth Survey 2015 <sup>(1)</sup>,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post-2015 <sup>(2)</sup>,
- having regard to its resolution of 20 May 2015 on maternity leave <sup>(3)</sup>,
- having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(4)</sup>,
- having regard to the European Parliamentary Research Service study of May 2015 entitled 'Gender equality in employment and occupation — Directive 2006/54/EC: European Implementation Assessment',

<sup>(1)</sup> Texts adopted, P8\_TA(2015)0068.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0218.

<sup>(3)</sup> Texts adopted, P8\_TA(2015)0207.

<sup>(4)</sup> Texts adopted, P8\_TA(2015)0351.

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- having regard to the European Parliament Directorate-General for Internal Policies of the Union study entitled 'Maternity, Paternity and Parental Leave: Data Related to Duration and Compensation Rates in the European Union',
  - having regard to the European Foundation for the Improvement of Living and Working Conditions study entitled 'Promoting parental and paternity leave among fathers',
  - having regard to the Eurofound report entitled 'Maternity leave provisions in the EU Member States: Duration and allowances' (Eurofound, 2015),
  - having regard to the 2015 Eurofound report entitled 'Promoting uptake of parental and paternity leave among fathers in the European Union',
  - having regard to the Commission study of February 2015 entitled 'The Implementation of Parental Leave Directive 2010/18/EU in 33 European Countries',
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's Rights and Gender Equality (A8-0076/2016),
- A. whereas there is little chance of the 75 % employment rate target set in the Europe 2020 strategy being achieved for women (it currently stands at 63,5 %) by 2020; whereas, moreover, there is a need for proactive policies designed to help women enter and stay in the job market, and to safeguard and support their return as mothers to the job market with the objective of achieving stable and decent work, on equal conditions to men, especially policies that promote a better work-life balance for all parents;
- B. whereas the job performed by parents in the family and in raising children represents a measurable contribution to the economy, which is furthermore of great importance in view of demographic developments in Europe;
- C. whereas Directive 96/34/EC recognises the reconciliation of professional and private life as a separate topic, while Directive 2010/18/EU stipulates that all employees have a right to four months' unpaid parental leave, and that one of those months must be granted on a non-transferable basis; whereas the principle of gender equality in employment is now established in EU legislation; whereas career equality for men and women, including through the parental leave instrument, would help to achieve the 75 % employment rate target set out in the Europe 2020 strategy, and to resolve the problem of women faced with impoverishment being far more vulnerable, but also represents a measurable contribution to the economy, which is furthermore of great importance in view of demographic developments in Europe;
- D. whereas available data confirms that unpaid or poorly paid family leave results in low participation rates, and that fathers make use of very few of their parental leave rights; whereas entirely or partially non-transferable, properly paid parental leave is used in a more balanced way by both parents, and helps to reduce discrimination against women in the labour market;
- E. whereas a mixed model composed of both maternity and paternity leave and common leave, i.e. parental leave, allows both parents to properly co-decide how they can manage their leave entitlements, in the best interest of their children and considering their job specificities;

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- F. whereas parental leave has long-term benefits for children's development; whereas, within the framework of public policies in force on the matter, fathers' participation rate in parental leave in the EU Member States is rising but remains low, with only 10 % of fathers taking at least one day of leave; whereas, in contrast, 97 % of women use the parental leave that is available for both parents;
- G. whereas Eurofound studies have illustrated aspects that influence fathers' take-up rate of parental leave, which include the level of compensation, the flexibility of the leave system, the availability of information, the availability and flexibility of childcare facilities and the extent to which workers fear isolation from the labour market when taking leave; whereas numerous researchers <sup>(1)</sup> suggest, however, that fathers who take parental leave build a better relationship with their children and are more likely to take an active role in future childcare tasks; whereas, these issues therefore need to be addressed;
- H. whereas the EU as a whole is facing a serious demographic challenge, as birth rates are decreasing in most Member States, and whereas family policies that are fair to men and women should improve women's prospects on the job market, improve work-life balance and reduce gender gaps as regards pay, pensions and life-long earnings and have a positive impact on demographic processes;
- I. whereas, according to Eurostat the number of people who took parental leave in 2010 was 3 518 600, and of those only 94 800 (2,7 %) were men; whereas, according to Eurofound <sup>(2)</sup> research, the gender gap in employment participation leads to serious losses for European economies, which amounted in 2013 to around EUR 370 billion;
- J. whereas the Commission, together with the Member States, should launch specific measures to foster a new kind of organisation of work, through more flexible models which, through work-life balance instruments, enable parents to exercise their right to parenthood effectively; whereas these measures could help to reduce the discrimination against women and help them to enter, stay in and return to the job market without any economic and social pressure;
- K. whereas, besides ensuring gender equality and women's access to employment, parental leave should enable parents to fulfil their responsibilities towards their children;
- L. whereas it is vital to ensure that women have the right to combine jobs with rights and the right to motherhood without being penalised for it, since women continue to be worst affected and suffer most discrimination; whereas examples of this discrimination include pressure from employers on women attending job interviews at which they are asked whether they have children and how old they are, with the aim of influencing women's decisions and opting for childless workers who are 'more available', along with growing economic and work-related pressure on female employees not to take maternity leave;
- M. whereas one of the issues restricting women from entering the labour market, and staying there, is their responsibility to care for children with disabilities, who are not self-sufficient and are thus dependent and/or belong to disadvantaged categories and groups;
- N. whereas where there are no provisions for leave, or where existing ones are considered to be insufficient, social partners, through collective agreements, may have an important role to play in establishing new provisions or updating current ones for maternity, paternity and parental leave;

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<sup>(1)</sup> <http://www.oecd.org/gender/parental-leave-where-are-the-fathers.pdf>

<sup>(2)</sup> <https://www.eurofound.europa.eu/news/news-articles/social-policies/international-womens-day-2016-the-campaign-for-equality-continues>

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- O. whereas a work-life balance is a fundamental right which should be fully incorporated into every EU text that might have an impact on the matter; whereas, more generally, the importance of having family-friendly working environments should be highlighted;
- P. whereas most EU Member States already comply with the minimum requirements of the Parental Leave Directive (2010/18/EU) and in many Member States national provisions go beyond these requirements;
- Q. whereas Member States should promote, in both the public and private sectors, business welfare models which require respect for the right to a work-life balance;
- R. whereas the differences in men's and women's uptake of maternity, paternity and parental leave manifest gender discrimination as regards childcare and female labour market participation; whereas, in many Member States, the measures taken to encourage men to assume an equal share of family responsibilities have not led to satisfactory results;
- S. whereas adequate, individual, compensated parental leave is crucial for same-sex parenting couples to be able to achieve a work-life balance;
- T. whereas women who exercise their right to a work-life balance by taking parental leave are faced with a stigma when they return to the labour market, which results in less favourable working conditions and precarious contracts;

#### ***Transposition of the directive***

- 1. Stresses that the provisions necessary for the transposition of Directive 2010/18/EU take different forms in the various Member States; believes that the transposition should therefore comply fully with legislation in force in the area of collective bargaining between social partners;
- 2. Believes that, since not all Member States have followed the EU's separate or sequential approach to maternity and parental leave, classifying the different types of leave at EU level is difficult;
- 3. Recalls that gold-plating by Member States can add to the complexity of regulation and in effect reduce compliance; calls on the Member States to avoid adding administrative burdens when transposing EU legislation;
- 4. Encourages the Member States that have not yet done so to provide the Commission within a reasonable time with correspondence tables between the provisions of the directive and the transposition measures; considers it is crucial for Member States to ensure that the necessary inspection resources are in place to verify that legislation protecting parents' rights is being complied with; urges the Commission to monitor carefully the implementation of the directive in the Member States, so as to ensure that the adaptability offered by it is not carried to excess; considers the principle of sharing good practices to be a useful means of achieving these objectives;
- 5. Considers it regrettable that there are disparities between the transposition measures of the directive in the field of application, thus creating systems that benefit workers to varying degrees depending, for example, on their employment sector (more protection is provided for in the public sector across the EU than in the private sector, thus it has a pioneering role in the field) and the length of their contract; recommends, to that end, that all possible measures be taken to enable the directive to be correctly implemented, in a uniform manner, in both the public and private sector; stresses that everyone, without regard to gender, should be guaranteed the right to parental leave without discrimination, regardless of the employment sector or the type of contract under which working fathers and mothers are employed;
- 6. Welcomes the fact that some Member States have transposed the provisions of the directive beyond the minimum scope of application, enabling freelance workers, apprentices, same-sex couples and parents of adopted children to benefit;
- 7. Firmly believes that the provision of social welfare is a Member State competence;

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8. Calls for the Member States to adopt family-oriented social policies which provide for the application of all the benefits included in the directive in the event of a prolonged stay abroad by parents seeking to complete an international adoption procedure;

9. Notes that, more than a decade after the Member States transposed directive 96/34/EC, the gender imbalance in taking parental leaves persists; notes also the great disparity between Member States regarding the maximum duration, statutory form of parental leave and systems regarding pay during the leave period; believes that the issue of pay during leave is crucial to ensure that low-income parents and single parents benefit on an equal footing with all other parents; welcomes the various measures adopted to encourage fathers to use their parental leave; recognises the value of the EU as a means to focus Member States' attention on the need for action and for brokering exchanges of advice and assistance for those Member States that need it, particularly in the field of social welfare rights; believes that the Commission should propose measures that encourage fathers to take more parental leave and that Member States should promote a more effective sharing of best practices in this field;

10. Notes the decision taken by some Member States to only provide access to social welfare rights for a shorter duration than the maximum duration of parental leave, thus reducing the number of parents who actually use this maximum duration;

11. Calls on the Member States, together with the Commission, to guarantee that family rights assigned by public policies, including parental leave, are equal in terms of individual rights and equally accessible for both parents, so as to encourage them to achieve a better work-life balance and in the best interest of their children; stresses that those rights should be individualised as far as possible to help achieve the 75 % employment rate targets for women and men set in the Europe 2020 strategy and to promote gender equality; believes that a certain flexibility should be given to parents in the use of the parental leave, and that it should in no case constitute an obstacle to reaching the 75 % employment rate targets for women and men set in the 2020 strategy; considers that the system adopted by the social partners should promote the solution whereby a significant part of the leave remains non-transferable; underlines that both parents have to be treated in the same way in terms of rights to income and the duration of the parental leave;

12. Emphasises that families with children and parents taking a career break to raise them have to bear not only a loss of income but also higher expenditure and far too low a valuation of their parental role;

13. Notes the flexibility that the directive grants the Member States to define forms of parental leave — part-time or full-time — and the working and notice periods established as conditions for granting parental leave; notes that, in some Member States, workers on non-standard contracts such as fixed-term contracts<sup>(1)</sup> and zero-hour contracts<sup>(2)</sup> are not always included in these measures and is concerned about abuse of these types of work contracts; notes the initiatives introduced by the Member States to give workers as much flexibility as possible in this area, ensuring that parental leave ties in with their professional and personal circumstances, but believes that all arrangements should have the aim of increasing the taking of parental leave;

14. Notes that the return to work after parental leave can be a difficult and stressful situation for both a parent and a child; calls on the Member States to adopt family policies facilitating a smooth and gradual return to work and an overall optimal work-life balance, while also considering the promotion of teleworking, home working and smart working, in a way that such policies do not impose an additional burden on employees;

15. Calls on the Member States, when making their arrangements, to ensure that enterprises can plan with certainty, and to pay particular attention to the needs of the smallest and small and medium-sized enterprises in this regard;

<sup>(1)</sup> Peter Moss in *the 10th International Review of Leave Policies and Related Research 2014*, June 2014, p. 39.

<sup>(2)</sup> [https://www.cipd.co.uk/binaries/zero-hours-contracts\\_2013-myth-reality.pdf](https://www.cipd.co.uk/binaries/zero-hours-contracts_2013-myth-reality.pdf)

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16. Calls on the Commission to improve and strengthen the provisions of Directive 2010/18/EU regarding the conditions of eligibility and detailed rules for granting parental leave to those who have children with a disability or serious or long-term incapacitating illness, taking account also of best practice in the Member States (extension of the age limit of the child regarding eligibility for parental or childcare leave, easier access to part-time work arrangements on return, extension of leave duration, etc.);

17. Stresses the need to guarantee favourable conditions for the return to work of those who have benefited from parental leave, especially concerning reinstatement to the same post or an equivalent or similar post, in accordance with the contract or terms of employment, changes to working hours and/or routines on their return to work (including the need for the employer to justify any refusal) to benefit from training periods, from protection against dismissal and less favourable treatment as a result of applying for or taking parental leave, and a protection period after their return so that they can readjust to their job;

### ***Towards an effective directive to address the challenges of a work-life balance***

18. Notes the Commission's withdrawal of the draft maternity leave directive, and the fact that, in the context of the roadmap 'New start to address the challenges of work-life balance faced by working families', the Commission does not at this stage intend to publish a final report on the implementation of the directive on parental leave; calls on the Commission, while respecting the principle of subsidiarity, to return with an ambitious proposal that will effectively enable a better work-life balance;

19. Believes that political discussions should also focus on a range of non-legislative initiatives with a view to joint action with Member States and civil society to emphasise the role that parents play and to promote a work-life balance;

20. Believes that consideration should be given to a broad non-legislative initiative to promote the reconciliation of work and family life in the Member States;

21. Believes, in view of the overlapping nature of the different types of family leave, that coherence among the various texts is required at EU level with the involvement of social partners in order to provide families with life-cycle leave perspectives to promote a more equal share of care responsibilities between women and men; urges the Commission to consider activating the review clause in EU legislation on parental leave for that purpose; believes that more clearly worded legislation that removes complexity, improves compliance and protects workers is necessary;

22. Calls on the social partners, on the basis of the Commission report published in February 2015, to address the shortcomings of the Parental Leave Directive in fully achieving its objectives in terms of work-life balance, female labour market participation, demographic challenges and men's share of family tasks, including the care of children and other dependants; considers that more effective measures should be taken to encourage a more equal sharing of family responsibilities between men and women;

23. Stresses that satisfactory parental leave arrangements are closely linked to adequate pay; notes that where there are no provisions for leave, or where existing ones are considered to be insufficient, social partners, through collective agreements, may have an important role to play in establishing new provisions or updating current ones for maternity, paternity and parental leave; calls on the Member States, in agreement with the social partners, to reconsider their system of financial compensation for parental leave with a view to reaching a level that would act as an incentive for an adequate and decent level of income replacement, which also encourages men to take parental leave beyond the minimum time period guaranteed by the directive;

24. Believes that the promotion of individualisation of the right to leave and of positive action aimed at the promotion of the role of fathers is essential in helping to achieve a gender-balanced reconciliation of work and private life;

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25. Calls on the Commission and the social partners to consider offering an appropriate extension of the minimum duration of parental leave from four to at least six months to improve work-life balance;
26. Stresses that improved coordination, coherence and accessibility in the Member States' leave systems (maternity, paternity and parental leave) increases participation levels and overall efficiency; stresses in that regard that an EU directive on a minimum two-week paternity leave is essential and urgent;
27. Stresses the need to extend the period in which both parents can exercise their right to take parental leave; calls on the Commission and the social partners to increase the age of the child for which parental leave can be taken, and also to take into account that the possibility of parental leave for parents of children with disabilities or long-term illnesses should be extended beyond the statutory age of the child provided for in the directive;
28. Calls on the Member States and social partners to tackle the many obstacles to the return to work after a period of long parental leave, so as to stop this leave from becoming a trap of exclusion from the labour market; recalls in this context that equality between men and women can only be achieved through a fair redistribution of paid and unpaid work as well as of work, family and care responsibilities;
29. Calls on the Member States to continue their efforts towards greater convergence as regards the exchange of best practices in the area of work-life balance, paying particular attention to policies that help mothers to enter, stay in and return to the job market and fathers to participate in family life and that increase the participation of fathers in parental leave; encourages the Commission, together with Member States, to monitor and promote these actions;
30. Believes that, with a view to meeting the Barcelona objectives, alongside legislative measures to promote a work-life balance, the Member States, with the financial backing of the various EU instruments, should focus on introducing high-quality, inclusive, affordable and accessible public or private childcare, available from the moment a parent returns to the job market, with special attention to families that are poor and at risk of social exclusion;
31. Invites the Member States to raise parents' awareness of the benefits of participation in early childhood education and care programmes for their children and themselves; calls on the Member States to adapt the design and eligibility criteria of high-quality, inclusive early childhood education and care services to increasingly diverse working patterns, thereby helping parents maintain their work commitments or find a job, while keeping a strong focus on the child's best interests;
32. Believes that an integrated approach to gender equality — including policies for overcoming stereotyped gender roles — and work-life balance in all future EU initiatives would bring coherence and transparency to the process and would help ensure the promotion of a gender-balanced work-life balance; calls on the Commission and the Member States to raise awareness among society of the rights and legal action regarding work-life balance;
33. Calls on the Commission to gauge the positive influence of initiatives on improving work-life balance with a view to redistributing family, care and domestic responsibilities, and to extend the particular responsibilities of those caring for children with disabilities, in a position of dependency and/or belonging to disadvantaged categories and groups;

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34. Instructs its President to forward this resolution to the Council and the Commission.
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Thursday 12 May 2016

P8\_TA(2016)0227

## Preventing and combating trafficking in human beings

### European Parliament resolution of 12 May 2016 on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective (2015/2118(INI))

(2018/C 076/12)

The European Parliament,

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Articles 8, 79 and 83 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 3, 5 and 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular to Article 6, which seeks to combat all forms of traffic in women and the exploitation of the prostitution of women,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to the subsequent outcome documents adopted at the United Nations Beijing + 5 (2000), Beijing + 10 (2005) and Beijing + 15 (2010) special sessions and at the Beijing + 20 review conference,
- having regard to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and in particular the internationally agreed definition of trafficking in human beings (THB) therein, supplementing the United Nations Convention against Transnational Organised Crime,
- having regard to the 1989 UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to the European Parliament resolution of 27 November 2014 on the 25<sup>th</sup> anniversary of the UN Convention on the Rights of the Child <sup>(1)</sup>,
- having regard to the Oviedo Convention on Human Rights and Biomedicine,
- having regard to the Hague Adoption Convention,
- having regard the Joint UN Commentary on the EU Directive on preventing and combating trafficking in human beings and protecting victims, which demands that international protection be provided to victims of human trafficking in a gender-sensitive manner,
- having regard to ILO Convention No 29 on forced or compulsory labour, Article 2 of which defines forced labour,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and to the Council of Europe's recommendations in this field,

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<sup>(1)</sup> Texts adopted, P8\_TA(2014)0070.

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- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA <sup>(1)</sup>,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA <sup>(2)</sup>,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA <sup>(3)</sup>,
- having regard to Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals <sup>(4)</sup>,
- having regard to Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals <sup>(5)</sup>,
- having regard to Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities <sup>(6)</sup>,
- having regard to the Commission communication entitled 'EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016' (COM(2012)0286),
- having regard to the Commission staff working document entitled 'Mid-term report on the implementation of the EU Strategy towards the Eradication of Trafficking in Human Beings' (SWD(2014)0318),
- having regard to the Commission communication entitled 'The European Agenda on Security' (COM(2015)0185),
- having regard to the Commission staff working document entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
- having regard to the Europol Situation Report: Trafficking in human beings in the EU (February 2016),
- having regard to the Eurostat report 'Trafficking in human beings', 2015 edition,
- having regard to the EPRS European Implementation Assessment of Directive 2011/36/EU, produced by the Directorate-General for Parliamentary Research Services,
- having regard to the study on the gender dimension of trafficking in human beings, commissioned by the Commission, 2016,
- having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women <sup>(7)</sup>,

<sup>(1)</sup> OJ L 319, 4.12.2015, p. 1.

<sup>(2)</sup> OJ L 315, 14.11.2012, p. 57.

<sup>(3)</sup> OJ L 101, 15.4.2011, p. 1.

<sup>(4)</sup> OJ L 168, 30.6.2009, p. 24.

<sup>(5)</sup> OJ L 348, 24.12.2008, p. 98.

<sup>(6)</sup> OJ L 261, 6.8.2004, p. 19.

<sup>(7)</sup> Texts adopted, P7\_TA(2014)0126.

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- having regard to its resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality <sup>(1)</sup>,
  - having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 <sup>(2)</sup>,
  - having regard to Rule 52 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 Civil Liberties, Justice and Home Affairs (A8-0144/2016),
- A. whereas trafficking in human beings (THB) is a terrible violation of fundamental rights, as outlined in Article 5(3) of the EU Charter on Fundamental Rights, and a violation of human dignity and of the victims' physical and psychological integrity, causing severe damage that often affects them for the rest of their lives, as well as a serious form of, mostly organised, crime driven by high demand and profits, estimated at some USD 150 billion a year <sup>(3)</sup>, which undermines the rule of law; whereas differences between legislation in Member States greatly facilitate the activities of organised crime, there is still too low a risk of prosecution, and the sanctions applied to deter this crime are inadequate in comparison with the potentially high profits;
- B. whereas THB is defined in Article 2 of Directive 2011/36/EU as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; whereas exploitation includes, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs;
- C. whereas THB takes many different forms, and victims of THB are found in different legal and illegal activities, including, but not limited to, agriculture, food processing, the sex industry, domestic work, manufacturing, care, cleaning, other industries (particularly the service industries), begging, criminality, forced marriage, sexual exploitation of children online, illegal adoptions and the trade in human organs;
- D. whereas, as stated by the Joint UN Commentary on the EU Directive — A Human Rights-Based Approach (2011), several UN agencies recall that 'trafficking in both men and women should be acknowledged, and the similarities and differences in the experiences of women and men in relation to vulnerabilities and violations should be addressed';
- E. whereas the current refugee crisis has shown up the lack of proper tools at a European level for jointly combating THB, especially when its aim is the sexual exploitation of women and children;
- F. whereas a 'one size fits all' strategy is not efficient and whereas the different forms of trafficking, such as trafficking for sexual exploitation, trafficking for labour exploitation and child trafficking, need to be addressed with specific and tailored policy measures;
- G. whereas Directive 2011/36/EU ('the Directive') should be commended for its human-rights and victim-centred approach, whereby victims of THB are entitled to certain rights and services under international law, regardless of their willingness or ability to take part in criminal proceedings (under Article 11.3 of the Directive);

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<sup>(1)</sup> Texts adopted, P7\_TA(2014)0162.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0218.

<sup>(3)</sup> ILO estimates, 2014, Profits and poverty the economics of forced labour.

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- H. whereas all support services for victims of trafficking must be made truly non-conditional and ensure that there is no further victimisation;
- I. whereas THB is, on the one hand, the result of global economic and social inequalities and, on the other, is exacerbated by economic, societal and education and training inequality between women and men;
- J. whereas recent statistics show that most of the victims of THB are women; whereas gender itself does not inherently create vulnerability, and there are many contributing factors to create a situation of vulnerability for women and girls, including poverty, social exclusion, sexism and discrimination;
- K. whereas women and girls make up 80 % of registered victims of THB <sup>(1)</sup>, and this can be attributed partly to structural violence and discrimination against women and girls;
- L. whereas the demand for women, girls, men and boys in the prostitution industries is a decisive pull factor for THB for sexual exploitation; and whereas the demand for cheap labour and incapacity to uphold labour rights are pull factors for THB for labour exploitation;
- M. whereas societal tolerance of gender inequality and violence against women and girls and the lack of public awareness of the issues surrounding THB perpetuate a permissive environment for THB;
- N. whereas the types of prostitution where victims of THB are most likely to be found, such as street prostitution, have decreased in countries that have criminalised the purchase of sex and activities generating profits from the prostitution of others;
- O. whereas trafficking in women, girls, men and boys for sexual exploitation has decreased in countries that have criminalised demand, including both pimping and the buying of sexual services;
- P. whereas minority and immigrant groups such as Roma people make up a disproportionate number of victims of THB as a result of being socially and economically marginalised;
- Q. whereas gender expectations and discrimination are harmful to everyone, with men less likely to admit that they have been the victims of exploitation;
- R. whereas economic and social empowerment of women and minority groups would reduce their vulnerability to becoming victims of THB;
- S. whereas identification of victims remains a challenge, and whereas, in order to help victims of trafficking and to prosecute and convict traffickers, victim support and protection needs to be reinforced, including the right of the victim to legally reside and work in the Member State to which the victim has been trafficked, as well as improving victims' access to justice and compensation;
- T. whereas children make up approximately 16 % <sup>(2)</sup> of registered victims of THB, with girls representing to 13 % <sup>(3)</sup>, and whereas they are particularly vulnerable, with child victims facing severe and lasting physical, psychological and emotional harm;
- U. whereas 70 % of the identified victims of THB and 70 % of suspected traffickers in the EU are EU nationals, and the most reported victims for the purpose of sexual exploitation are female EU nationals from Central and Eastern Europe <sup>(4)</sup>; whereas statistical information must be taken into account when developing identification systems in order to better identify all victims of THB;

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<sup>(1)</sup> Eurostat report, 'Trafficking in human beings', 2015 edition.

<sup>(2)</sup> Idem.

<sup>(3)</sup> Idem.

<sup>(4)</sup> Europol, Situation Report: Trafficking in human beings in the EU (February 2016).

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- V. whereas the majority of the registered victims are women and girls trafficked for the purposes of sexual exploitation, together comprising up to 95 % of the victims trafficked for sexual exploitation <sup>(1)</sup>; whereas trafficking is a form of violence against women and girls;
- W. whereas THB is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States work together in a coordinated manner in order to prevent 'forum shopping' by criminal groups and individuals, but with the focus being placed on identifying and protecting potential and actual victims with an integrated intersectional perspective; whereas there is a clear distinction between THB and human smuggling, but particular attention should be given to asylum seekers, refugees, migrants and other vulnerable groups, especially children, unaccompanied minors and women as they face multiple risks and are particularly vulnerable to exploitation and further victimisation;
- X. whereas THB is often perceived as being carried out only by organised criminal groups, but in fact can also be carried out by the victim's family members, friends, relatives, romantic partners and ordinary employers;
- Y. whereas the majority (70 %) of suspected, prosecuted and convicted traffickers are male, although female perpetrators form a sizeable minority (29 %) and can play a significant role in the process of THB <sup>(2)</sup>, especially in the case of child trafficking;
- Z. whereas in order to be effective any legislation to combat trafficking must be accompanied by a clear cultural shift from a culture of impunity to a culture of zero tolerance of trafficking;
- AA. whereas victims often lack information about their rights and how to exercise them effectively;
- AB. whereas THB as a concept is distinct from slavery and broader discussions of exploitation; whereas not all types of exploitation would qualify as THB;

***General assessment of measures taken to address the gender dimension of THB in the implementation of the directive***

1. Notes that Directive 2011/36/EU was due to be transposed into Member States' national laws by 6 April 2013, and that all Member States except one have notified the Commission of the transposition of this directive into national law;
2. Calls on the Member States to speed up the full and correct enforcement of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
3. Emphasises that the EU's legal and political framework recognises that trafficking is a gender-specific phenomenon, and calls on Member States to adopt gender-specific measures <sup>(3)</sup>; recalls that Article 1 of the Directive stresses the need to adopt a gender-sensitive approach to THB; highlights that women and men, girls and boys are vulnerable in different ways, and are often trafficked for different purposes, and that prevention, assistance and support measures must therefore be gender-specific; points out, further, that the EU strategy identifies violence against women and gender inequalities as being among the root causes of trafficking, and lays down a series of measures to address the gender dimension of trafficking;

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<sup>(1)</sup> 2015 Eurostat report.

<sup>(2)</sup> Idem.

<sup>(3)</sup> 'Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings' (SWD(2014) 0318), p. 9.

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4. Notes that the Commission is required to publish a number of reports in relation to the various aspects of implementation of the directive; expresses deep concern that these reports will be delivered late as this sends a worrying signal regarding their priorities on enforcement; calls on the Commission to meet the reporting obligations and timetable as outlined in the directive;
5. Recalls the Commission's obligation under Article 23, paragraph 1, of Directive 2011/36/EU to submit in April 2015 a report to the Parliament and Council with an assessment of the extent to which Member States have taken the necessary measures to comply with the Directive; underlines that this reporting task has not been completed on schedule;
6. Stresses that the gender dimension must be consistently monitored in the implementation of EU anti-trafficking legislation, and urges the Commission to continue to monitor this in its assessment of Member States' compliance and implementation of the Directive;
7. Commends the good work done by the EU Anti-Trafficking Coordinator in developing knowledge and evidence on the various aspects of THB, including research into the gender dimension and the particular vulnerability of children; is, however, of the view that in order to accelerate the EU's response to THB, the mandate of the EU Anti-Trafficking Coordinator could be extended;
8. Regrets that Europol's capabilities are not fully utilised among Member State law enforcement authorities in order to increase information sharing with Europol so that links can be made between investigations in different Member States and a broader intelligence picture on the most threatening organised crime networks active in the EU can be drawn;
9. Welcomes the Commission's creation of a webpage against trafficking that contains a database of EU-funded projects in the EU and elsewhere, up-to-date information on EU legal and political instruments, measures to combat people trafficking in the Member States, funding possibilities and EU initiatives;
10. Highlights the importance of having clear, consistent information for victims and for frontline staff who may come into contact with victims, security forces, judicial authorities, police and social services, including information on rights with regard to emergency assistance, medical treatment and healthcare, residence permits, employment rights, access to the courts and to a lawyer, the possibilities for seeking redress, the specific rights of children, etc.;
11. Emphasises that it is also important to pay greater attention to labour market intermediaries, contractors, subcontractors and employment agencies, especially in high-risk sectors, as a way of preventing people trafficking, particularly for the purpose of labour exploitation but also for the purpose of sexual exploitation concealed behind what purport to be contracts for services in the hotel and catering industry and personal care services;
12. Emphasises that the EU's legal and political framework on THB combines the internal and external dimensions, recognising that action to combat trafficking, which is a serious human rights violation, constitutes a clear objective of the EU's external action; emphasises, likewise, that countries outside the EU are often the countries of origin and transit for trafficking within the EU and that trafficking, as an illegal cross-border activity, is an important area for cooperation with non-Community countries; welcomes, in this connection, the fact that, at the request of the Council, the Commission and the European External Action Service have put together a package of information on activities carried out to combat people trafficking in priority countries and regions, as well as a list of the tools and instruments available to the EU and Member States, including external policies that deal with trafficking, and projects funded by the EU and Member States in this field; calls on Member States to cooperate with the Commission and the EEAS in combating people trafficking;
13. Considers that asylum seekers, refugees and migrants are particularly vulnerable to trafficking and that special attention should be given to the trafficking of women, children and other vulnerable groups; calls on the Commission and the Member States to investigate the link between the increasing numbers of refugees arriving and THB; calls on Member

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States to increase cooperation, including in the hotspots, to identify potential victims and to use all means to combat traffickers and smugglers, including by improving data collection and ensuring compliance with existing protection standards; recalls the role of EU agencies and networks in the early identification of victims at EU borders and the fight against THB, and in this context underlines the need for greater cooperation between Europol, Eurojust, national authorities and third countries, and through the use of ECRIS; calls for more resources for the JHA agencies to enable the appointment of gender-trained agency officers, especially in those Member States faced with increased mixed migratory flows; emphasises that the new 'hotspot' approach outlined in the Agenda for Migration should not be limited to quick processing and clearing of backlogs, but should include a proportionate anti-trafficking component geared towards the effective referral of potential victims;

14. Calls on the Member States to critically assess their registration of refugees and the relevant services and care structures, as this group, particularly unaccompanied minors, are very vulnerable to exploitation by criminal gangs and subsequent trafficking in human beings;

15. Considers that greater consideration should be paid to the situation of transgender victims, who often experience discrimination, stigmatisation and threats of violence because of their gender identity; is of the opinion that transgender people should be considered to be a vulnerable group, as they are particularly at risk of falling into the hands of traffickers; believes that this vulnerability factor should be taken into account when Member States conduct individual risk assessments, so as to ensure that victims of trafficking receive appropriate protection and care; calls on the Member States to provide officials likely to come into contact with victims or potential victims of trafficking in human beings with adequate training on the specificities of transgender victims, so as to be able to identify them more proactively and adapt assistance services to meet their needs;

#### ***Gender perspective in the prevention of THB***

16. Underlines that under Article 11 of the Directive, Member States have an obligation to establish mechanisms to ensure the early identification of, assistance to, and support for victims, in cooperation with the relevant support organisations; stresses the need for an approach based on four key strategies: prevention, prosecution, victim protection and multi-level partnership;

17. Calls on the Member States to combat impunity, criminalise trafficking and ensure that perpetrators are brought to justice and that sanctions are strengthened; urges the Member States, therefore, to ratify all relevant international instruments, agreements and legal obligations which will make the efforts to combat trafficking in human beings more effective, coordinated and coherent, including the Council of Europe Convention on Action against Trafficking in Human Beings;

18. Calls for a consistent approach to prosecution of offences related to human trafficking, and for the Member States to step up their investigations and prosecutions; calls, in that regard, for the Member States to increase cross-border cooperation and collaboration with the relevant EU agencies;

19. Recalls that women and children may be compelled to exchange sex for protection, in order to survive, in order to advance along their migratory route, and for basic sustenance; underlines that women and children engaging in survival sex are not considered trafficking victims, and thus cannot receive the required assistance;

20. Stresses that, in order to prevent THB and people smuggling, it is important to create safe legal migration channels for women and children (such as humanitarian visas); points out that it is also important for destination countries to ensure that women migrants who have been granted legal residency in the destination countries have access to language teaching and other means of social integration, education and training in particular, with the aim of enabling them to exercise their rights as citizens;

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21. Calls on the Member States to make use of properly structured victim interview techniques to help achieve a precise reconstruction of events without at the same time placing psychological pressure on victims who are already frightened and confused;

22. Stresses that all counter-trafficking efforts must balance the focus on prosecution with a responsibility to protect victims; notes that support for victims plays an important role in prevention of THB, as victims who are well supported are more able to recover from the trauma of their experience and to assist in the prosecution of offenders, preparation of prevention programmes and informed policy making, as well as to avoid being re-trafficked;

23. Stresses that the internet plays a key role in facilitating THB, thereby adding to the challenges in combating this serious form of organised crime; denounces the fact that, the internet is being used more and more for the recruitment of victims both within and outside the EU through false job offers, with advertising services provided by exploited victims, and for the exchange of information among criminal networks; calls on the Member States to ensure that their respective anti-trafficking policies take account of this, and that law enforcement efforts addressing cyber technologies have the gender expertise needed to prevent and efficiently fight against all forms of this crime, particularly in relation to THB for the purposes of sexual exploitation; stresses that new technologies, social media and the internet should also be used to disseminate good practices to fight THB and to raise awareness and alert potential victims on the risks of trafficking; in this context calls on the Commission to investigate further the role of the internet in THB and to keep Parliament duly informed;

24. Regrets that the identification of victims remains one of the most difficult and incomplete aspects of implementation, but stresses that this does not diminish the responsibility of the Member States to protect these vulnerable people; highlights that owing to the coercive and deceptive nature of the crime, victims may be unable to recognise their own vulnerability; stresses that the actions that victims of THB are compelled to perform are criminal acts in some Member States, which in some cases impairs trust between victims and the authorities; notes that Directive 2011/36/EU prohibits the criminalisation of victims of THB; calls on Member States to implement Articles 11 to 17 of the Directive concerning protection and support of victims with a gender-sensitive approach (in particular by increasing the number of shelters for victims and by strengthening programmes for victims' reintegration into society) and to fully apply Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime in order to ensure proper support and assistance for victims of THB, including as regards the right to reside in and access the labour market of the Member State to which the victim has been trafficked; stresses that these provisions should not be conditional on victims lodging complaints or cooperating in criminal investigations; calls on the Commission to strengthen the exchange of best practices on the protection of victims;

25. Stresses that non-governmental organisations (NGOs) and individuals working to protect and help victims of THB should not be held responsible for any crime;

26. Is strongly critical of the fact that it is not already a criminal offence to use the services of trafficked persons across all Member States, but acknowledges the difficulty of proving knowledge in a judicial context, and considers that this would be an important step towards recognising the seriousness of this crime, ensuring a real framework for the prevention of THB and for stopping the culture of impunity;

27. Calls on the Member States to put in place strong criminal penalties for crimes of human trafficking, modern slavery and exploitation; and to establish as a criminal offence the act of knowingly using the services of victims of human trafficking, including victims of trafficking in prostitution, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude or the exploitation of criminal activities or the removal of organs; notes the low number of prosecutions and convictions for the crime of trafficking at a national level;

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28. Notes that the principal source of information for the registration of victims is the police, pointing to the need for sufficient human and financial resources, including targeted and specialist training for law enforcement authorities, and for a greater gender balance among staff; highlights the fact that the registration of victims of THB through prisons and detention centres in some Member States shows gaps in the system and in the knowledge of the professionals involved; insists that EU Member States must apply legislation against THB effectively, and stresses, likewise, that in order to improve the identification of victims and develop understanding of subtle means of trafficking, the criminal justice system should focus more on the dynamics of exploitation and the application of the law; notes in this context that according to Regulation (EU) 2015/2219, CEPOL should promote common respect for and understanding of fundamental rights in law enforcement, including the rights, support and protection of victims;

29. Calls for greater priority and resourcing to be given by Europol and national police forces to the prosecution of those facilitating human trafficking, paying special attention to raising awareness among police forces and the general public alike about new forms of human trafficking;

30. Calls on Europol and the Member States to strengthen their action against recruiters, whether via a proactive approach or on the basis of a victim's testimony, in accordance with Article 9 of Directive 2011/36/EU; stresses that recruiters use a variety of channels, including social networks and internet sites (online recruitment agencies); calls on the Commission to expand the mandate of Europol's EU Internet Referral Unit (IRU) in the fight against trafficking in human beings;

31. Calls on the Commission to assess the effectiveness of cooperation between the Member States and Europol in combating trafficking in human beings; stresses the importance of systematic exchange of data and of all Member States contributing to the European databases used for this purpose, including the Europol databases Focal Point Phoenix and Focal Point Twins; stresses the need for border guards and coast guards to have access to Europol databases;

32. Notes that victims experience exploitation differently, and that a method of identification using a 'check list' of indicators can hinder formal identification and thereby have an impact on victims' access to services, help and protection;

33. Stresses that, to encourage victims of trafficking to report these crimes to the authorities and thus facilitate the early identification of victims, the law must be amended to recognise victims of trafficking as rights-holders in the eyes of the law; takes the view that victims of trafficking should be entitled to assistance and protection; stresses the need to give more power to social workers, medical staff and immigration services to determine what constitutes trafficking and who is to be provided with assistance and protection by law;

34. Calls for better implementation and monitoring of Article 8 of Directive 2011/36/EU, so as to ensure the non-prosecution of and non-application of sanctions or penalties to victims of THB, and emphasises that this includes the non-application of sanctions or penalties to people in prostitution and non-punishment for irregular entry or residence in countries of transit and destination;

35. Notes with concern the evidence of some of the victims of THB being subject to arrest and deportation rather than being allowed and aided to access their rights as victims and the necessary help, as they should be under Directive 2004/81/EC;

36. Calls on the Commission to develop guidelines based on best practices to develop and mainstream gender expertise into the activities of law enforcement authorities across EU;

37. Calls on the Member States to cooperate in better developing guidelines on identifying victims of trafficking in human beings, which would help consular services and border guards in this task;

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38. Stresses the importance of 'following the money' as a key strategy for investigating and prosecuting the organised crime networks that profit from THB, and calls on Europol and Eurojust to reinforce their capacities in the field of combating THB; calls for the Member States to work closely with Europol and each other in order to investigate the financial aspects and the laundering of money in human trafficking cases; stresses that Member States should strengthen cooperation in freezing and confiscating the assets of individuals involved in trafficking, as this could be an effective means of changing THB from a 'low risk-high profit' business into a 'high risk-low profit' one; calls on the Member States, in this context, to use more efficiently all existing tools available such as mutual recognition of court judgments, joint investigation teams and the European investigation order; believes that the confiscated assets of people convicted of trafficking offences should be used to support and compensate victims of trafficking; also notes that the huge funds raised by human trafficking and exploitation fund other kinds of serious crime;

39. Calls on Justice and Home Affairs (JHA) agencies such as Eurojust, Europol, the FRA, Frontex, CEPOL and the EASO to develop a sustained programme of improving gender balance in decision-making relevant to trafficking; calls for figures on the gender composition of their management boards and staff to be released, followed by discussions with Member States on the benefits of equitable recruitment and promotion in law and border enforcement services; calls likewise for programmes such as Europol's Female Factor to be rolled out across the most male-dominated JHA agencies on a periodic, rather than a one-off, basis;

40. Recalls that training of practitioners and officials is crucial for the early identification of potential victims and the prevention of crime; calls on the Member States, therefore, to fully apply Article 18(3) of Directive 2011/36/EU and to share best practices, in particular when creating gender-sensitive training programmes for those coming into contact with victims of THB in an official capacity, including police officers and other security forces, border officers, judges, magistrates, lawyers and other judicial authorities, front-line medical staff, social workers and psychological counsellors; stresses that training should include the development of understanding of gender-based violence and exploitation, the detection of victims, the formal identification process and appropriate, gender-specific assistance for victims;

41. Calls for the wider development and dissemination of awareness-raising publications aimed at improving the knowledge within professions, such as the 'Handbook for consular and diplomatic staff on how to assist and protect victims of human trafficking' <sup>(1)</sup>;

42. Recognises the importance of developing long-term relationships between law enforcement, service providers, various stakeholders and victims in order to build trust and sensitively address the needs of the latter; stresses that support organisations require sufficient funding for projects, and expresses concern that many, especially women's organisations, are struggling because of funding cuts;

43. Stresses that funding from the Commission and the Member States should be targeted to the most suitable service provider, based on the needs of the victims, including gender- and child-specific requirements, the expertise of the provider and scope for the provider to engage in far-reaching and long-term assistance and care;

44. Calls on the Member States to actively include social partners, the private sector, trade unions and civil society, particularly NGOs working to combat trafficking and provide assistance to victims, in their initiatives to prevent THB, particularly in the field of labour exploitation, including as regards the identification of victims and awareness-raising activities;

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<sup>(1)</sup> [https://ec.europa.eu/anti-trafficking/publications/handbook-consular-and-diplomatic-staff-how-assist-and-protect-victims-human-trafficking\\_en](https://ec.europa.eu/anti-trafficking/publications/handbook-consular-and-diplomatic-staff-how-assist-and-protect-victims-human-trafficking_en).

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45. Notes that while sexual exploitation is illegal in all Member States, this does not prevent trafficking for sexual exploitation; calls on the Member States to fully implement Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography and to step up their police and judicial cooperation to prevent and combat child sexual exploitation; calls on the Commission, in cooperation with the Member States, to examine how the demand for sexual services drives THB, including child trafficking, and how best to reduce demand; in this regard, recalls the obligation of Member States to pay special attention to child victims of trafficking, including unaccompanied minors coming from third countries, and to provide special protection to children in criminal procedures, with the best interests of the child being considered paramount at all times;

46. Notes that data collection on child trafficking should be based on a common definition of this criminal phenomenon; notes likewise that some Member States consider child trafficking to be a separate form of exploitation and others include child victims with adults, hindering the possibility of creating a comprehensive intelligence picture and of defining the best investigative responses at EU level;

47. Underlines the Commission's obligation under Article 23, paragraph 2, of the Directive to come forward, by 2016, with a report assessing the impact of existing national laws on the criminalisation of the knowing use of the services of a victim of THB, and the need for further action; stresses that the Commission should not rely solely on the reporting of a Member State, but should also assess compliance through engagement with civil society and other relevant bodies, such as GRETA and the country reports produced by the OSCE Special Representative on Human Trafficking and the UN Special Rapporteur on Trafficking and Contemporary Forms of Slavery;

48. Notes the lack of a common understanding among the Member States about what constitutes demand for exploitation, and calls on the Commission and the Member States to propose guidelines on the punishment of the client based on the Nordic Model, while raising awareness about all forms of THB, especially sexual exploitation, and making other forms of exploitation like domestic servitude visible;

49. Notes that the increased vulnerability of certain groups of people puts them at particular risk of falling victim to trafficking; deplores, however, the fact that trafficking takes place as a result of the high demand for products and services dependent upon the exploitation of human beings, which is a very profitable form of organised crime;

50. Emphasises the data which confirm the deterrent effect that criminalisation of the purchase of sexual services has had in Sweden; highlights the normative effect of this model of regulation and its potential to change social attitudes in order to reduce overall demand for the services of victims of THB;

51. Calls on the Member States to fully implement Article 18(4) of the Directive and to develop specific strategies for reducing demand for trafficking for sexual exploitation, such as exit programmes and schemes to empower and protect the rights of those in prostitution and reduce their vulnerability to exploitation, and campaigns to discourage demand for the sexual services of trafficked persons, while also noting that the regulation of prostitution is a competence of the Member States; calls on the Commission to further examine any links between demand for sexual services and THB; believes that demand reduction can be achieved through legislation that shifts the criminal burden onto those who purchase the sexual services of trafficked persons rather than onto those who sell it;

52. Calls for the EU to pay attention to and make visible the new forms of trafficking and exploitation of human beings, including reproductive exploitation and trafficking in new-born children;

53. Notes with concern that very few Member States have clearly defined demand reduction programmes, and that, generally speaking, these have been focussed on trafficking for sexual exploitation; calls on the Member States to develop demand reduction programmes for all types of THB;

54. Notes that sham marriages can qualify as THB under certain circumstances if there is a forced or exploitative element, and that women and girls are more likely to become victims;

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55. Stresses that efforts to improve gender equality contribute to the prevention of THB, and should contain strategies for education and empowerment programmes for women and girls in order to strengthen their position in society and make them less vulnerable to trafficking; calls on Member States to take more proactive preventative actions such as information and awareness-raising campaigns, training specifically designed for men, targeted workshops with vulnerable groups and education activities in schools, including promoting equality, combating sexist stereotypes and gender-based violence, as equal treatment should be an objective of the whole of society;

56. Highlights the effectiveness of awareness-raising schemes in educating consumers to select products from corporations that ensure a slavery-free supply chain, but notes that this in itself is not enough to reduce demand for THB;

57. Notes that it is already illegal under Directive 2009/52/EC for employers to use the work or services of third-country nationals with no legal residency status in the EU with the knowledge that they are victims of THB; acknowledges that EU nationals who are victims of THB are not included under this legislation; calls on the Member States to ensure that in their national legislation EU nationals who are victims of trafficking are protected from labour exploitation, and relevant sanctions are put in place;

58. Recalls that, according to Europol, about 10 000 unaccompanied children have disappeared after arriving in the EU in 2015, and that these children could be victims of trafficking and exposed to all kinds of exploitation and abuse; calls on the Member States to fully implement the asylum package and register children upon their arrival in order to ensure their inclusion in child protection systems; calls on the Member States to increase information sharing in order to better protect migrant children in Europe;

59. Expresses concern about the lack of data regarding Romani women and children at risk of being trafficked for forced labour or services, which include begging; calls on the Commission to provide data regarding Romani women and children recognised as trafficking victims, how many have received victim assistance and in which countries;

60. Stresses that forced marriage can be regarded as a form of trafficking in human beings if it contains an element of exploitation of the victim, and calls on all Member States to include this dimension; stresses that exploitation may be sexual (marital rape, forced prostitution or pornography) or economic (domestic work or forced begging), and that the ultimate aim of trafficking can be forced marriage (selling a victim as a spouse or entering a marriage under duress); stresses that it is difficult for the authorities to detect such trafficking, as it takes place in private; calls on the Member States to provide appropriate refuge services for these victims; calls on the Commission to strengthen the exchange of best practices in this regard;

61. Is concerned at the growing phenomenon of sexual grooming; points out that the victims are often in a state of emotional dependence, which hinders investigative work, as they are less easily identified as victims of trafficking in human beings and often refuse to testify against the people grooming them; calls on the Commission to strengthen the exchange of best practices in this regard; calls on the Member States to provide a specific refuge for these victims and to ensure that law enforcement and judicial services recognise their status as victims, in particular if they are minors, so as to avoid stigmatising them for 'deviant behaviour';

#### ***The gender dimension of assistance and support to, and protection of, victims***

62. Expresses concern that not all victims are able to access services easily or have knowledge of them; stresses that there must be no discrimination in access to services;

63. Notes that victims of THB require specialised services, including access to safe short- and long-term accommodation, witness protection schemes, healthcare and counselling, translation and interpretation services, legal redress, compensation, access to education and training, including teaching of the language of their country of residence, job placement, (re) integration, family mediation and resettlement assistance, and that these services should be further individualised case by case, with specific consideration given to the issue of gender;

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64. Stresses that the gender dimension of THB entails an obligation for Member States to address it as a form of violence against women and girls; highlights the fact that more attention must be paid to the exploitative dynamic and the long-term emotional and psychological harm that is associated with this; asks the Commission to come forward with a European strategy for combating gender violence, containing a legislative proposal on violence against women that includes THB;
65. Highlights the good work done by a number of government services and civil society in identifying victims of human trafficking and providing assistance and support to victims, although this work is not carried out consistently across Member States or with respect to the different types of THB;
66. Underlines the need to ensure adequate funding for independent NGOs and gender-specific refuges to adequately meet needs at all points of the victim pathway in destination countries and to work preventatively in relevant source, transit and destination countries;
67. Calls on the Member States to establish hotlines which victims of human trafficking and exploitation can call to seek assistance and advice; notes that such hotlines have proved to be successful in other areas such as radicalisation and child abduction;
68. Urges the Member States to ensure gender-specific provision of services to victims of THB that is appropriate to their needs, recognising any needs that may be specific to the form of trafficking to which they have been subjected; highlights that while a majority of victims are women and girls, there should be specialised services for victims of all genders;
69. Stresses that many victims of sexual exploitation are drugged for the purpose of keeping them in a state of physical and psychological dependence; calls, therefore, on the Member States to provide specialised support programmes for these victims and to recognise this as an aggravating circumstance in their criminal justice response to trafficking in human beings;
70. Stresses that the cumulative effect of different types of discrimination on the grounds of sexual orientation or gender identity makes LGBTI people particularly vulnerable to trafficking in human beings; calls on the Member States to address the unique needs of LGBTI people; calls on the Commission to promote the exchange of best practices in this regard;
71. Underlines the importance for all Member States to recognise systematically the right to access to safe abortion services for female victims of THB whose pregnancy is a result of their exploitation;
72. Takes the view that Article 11(5) of Directive 2011/36/EU should be expanded to introduce aid for future integration (language learning, familiarisation with the culture and community, etc.) where the victims' circumstances allow them to opt for a residence permit;
73. Calls on the Member States to ensure that EU and third-country nationals who are victims of trafficking are entitled to residence permits;
74. Notes that irregular legal residence status does not preclude one from being a victim of THB, and that such victims should therefore have the same rights as others; calls on the Member States not to conflate the issues of migration and THB, highlighting the principle of unconditionality of assistance set out in the directive;
75. Calls on all Member States to effectively guarantee the rights of victims and calls for the implementation of Directive 2011/36/EU to be analysed in the light of the provisions of Directive 2012/29/EU; calls on the Member States to provide free legal aid, including legal assistance and representation, psychological and medical support, and information on the rights to assistance and health care, including the right to an abortion for victims of sexual exploitation, to all of those who either self-identify, or meet an adequate number of the criteria for identification, as victims of THB, to help them access their rights, compensation and/or legal redress; stresses that self-identification should never be the only requirement in order to access victims' rights and services;
76. Calls on the Member States to make legal aid available to victims of trafficking not only in criminal proceedings, but also in any civil, labour or immigration/asylum proceedings in which they are involved;

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77. Calls on the Member States to recognise the longer time needed to recover from the harm of trafficking for purposes of sexual exploitation, as compared with the time needed to recover from other forms of trafficking, when deciding on limits to victim support; calls for protection measures offered to victims trafficked for sexual exploitation to be extended, in order to minimise harm, prevent re-trafficking and secondary victimisation and cater in every case for individual needs;

#### ***Assessment of other gender-sensitive measures taken in the implementation of the Directive***

78. Stresses that any obligation for victims to take part in the prosecution of traffickers can be harmful; highlights that in a human rights-based approach, such an obligation should not be a condition for access to services;

79. Underlines that all victims of THB should be systematically informed of the possibility of benefiting from a recovery and reflection period, and should actually be granted such a period; regrets that in some Member States these rights have only been transposed into migration laws and therefore do not apply to all victims of THB, but only to those in an irregular situation; recalls that these rights must be granted to all THB victims;

80. Recalls that, according to Directive 2004/81/EC, Member States are obliged to allow a period of reflection and recovery for victims of trafficking in human beings; calls on the Member States, when determining the duration of such a period, to take into account Article 13 of the Council of Europe Convention on action against trafficking in human beings and to extend the minimum 30-day recovery and reflection period included in this convention for victims trafficked for the purposes of sexual exploitation, given the significant and sustained harm caused by this form of violence;

81. Notes that the current EU Strategy towards the Eradication of THB comes to an end in 2016, and calls on the Commission to evaluate the current strategy and to introduce a new one that follows a human-rights-based approach, focusing on victims, includes a clear gender dimension and contains concrete actions in this regard, adequately and effectively addresses prevention, and continues to discourage the demand that fosters all forms of trafficking; calls for this strategy to be integrated and made coherent with other policy areas, with a view to ensuring effective implementation of anti-trafficking measures, including, but not limited to, security, gender equality, migration, cybersecurity and law enforcement;

82. Commends those Member States that have established effective national reporting mechanisms and national rapporteurs, and calls on them to ensure that these measures are adequately resourced and independent, in order that they fulfil their tasks in the best way possible;

83. Calls on Member States to appoint, with a view to assessing their strategies and activities and improving efforts to combat trafficking, an independent national rapporteur with the legal right to appear before the national parliament and make recommendations on how best to combat THB;

84. Calls on the Member States to collect more detailed and up-to-date data by compiling reliable statistical information gathered from all the main actors, by ensuring that the data is homogeneous and disaggregated by gender, age, type of exploitation (within the subsets of types of THB), country of origin and destination, and by including internally trafficked people, in order to better identify potential victims and prevent crime; calls on the Member States to increase data sharing in order to better assess the gender dimension and recent trends in THB and combat trafficking more effectively; calls on the Member States to ensure that national rapporteurs play a more significant role in the coordination of data collection initiatives, in close cooperation with relevant civil society organisations active in this field;

85. Notes that despite the clear definition of THB given in the Directive, a number of different definitions have been adopted in Member States' national legislation; calls on the Commission to conduct research on this and to report on what these differences in definition mean in practical terms for the application of the Directive; stresses the importance of conceptual clarity in order to avoid conflation with other related but separate issues;

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86. Notes that stakeholders generally confirm that the vast majority of victims of THB go undetected; recognises that the trafficking of certain vulnerable groups such as (homeless) youth, children, and disabled and LGBTI people, has been somewhat overlooked; stresses the importance of improved data collection to enhance victim identification efforts with regard to these groups and developing best practice in dealing with the specific needs of these victims;
87. Stresses that, to improve efforts to combat THB in the European Union, the EU institutions must carefully assess the implementation of EU legislation in the Member States, and take further legislative and other measures, if necessary;
88. Calls on the Commission to develop standardised guidelines, including data protection, for data collection for the relevant bodies, such as law enforcement, border and immigration services, social services, local authorities, prisons, NGOs and other contributors;
89. Calls on the Commission to ensure that anti-trafficking is given greater priority in the European Agenda on Migration (COM(2015)0240), so as to facilitate the engagement of victims in the prosecution of traffickers;
90. Calls on the Commission to address the abuse of self-employment in the employment of migrant labour in some EU Member States in order to avoid local labour standards and employment obligations, recognising that bogus self-employment is often used in the migrant labour domains most prone to trafficking;
91. Calls for the EU and the Member States to strengthen regional cooperation on trafficking in human beings along known routes, such as from the East to the EU, by using the Instrument for Stability and the ongoing continuing responsibilities of candidate countries;
92. Calls for the EU to provide, through Eurostat, estimates on the number of victims of trafficking in human beings, registered or otherwise, in line with the general pattern followed by organisations such as the International Organisation for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organisation (ILO);
93. Calls on the Member States to include the principle of non-refoulement in their anti-trafficking directives, following the example of the UN Trafficking Protocol and the Council of Europe Trafficking Convention, and in accordance with states' obligations under international refugee law and international human rights law;
94. Encourages the EU and the Member States to conduct research into the newest trends and forms of THB, including the influence that the current migration crisis could have on THB, in order to address the new developments with an adequate and targeted response;
95. Asks that the Commission produce an analysis of the links between different types of trafficking and the routes between them in the upcoming report on the Implementation of Directive 2011/36/EU, as victims are often exploited in different ways simultaneously or move from one type of trafficking to another; and that it promote continued research into the main causes of THB and their impact on gender equality;
96. Calls on the Commission to assess the need to review the mandate of the future European Public Prosecutor's Office to include powers, once established, to tackle trafficking in beings;
97. Urges the European Commission, taking into account that the Istanbul Convention is an effective tool to prevent and combat violence against women, including trafficking, and to protect and assist the victims, to promote the Member States' ratification of the Convention;

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98. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.
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## Virtual currencies

### European Parliament resolution of 26 May 2016 on virtual currencies (2016/2007(INI))

(2018/C 076/13)

*The European Parliament,*

- having regard to the Bank for International Settlements' Paper on Digital Currencies of November 2015 <sup>(1)</sup>,
- having regard to the Bank of England's publication on the economics of digital currencies (Q3/2014) <sup>(2)</sup>,
- having regard to the European Banking Authority's opinion on Virtual currencies of July 2014 <sup>(3)</sup>,
- having regard to the European Central Bank's analysis of Virtual currency schemes of February 2015 <sup>(4)</sup>,
- having regard to the Commission's Action Plan to strengthen the fight against the financing of terrorism of 2 February 2016 <sup>(5)</sup>,
- having regard to the Commission's study on the size of the VAT gap in the EU of May 2015 <sup>(6)</sup>,
- having regard to the Commission's Joint Research Centre study on the digital agenda of virtual currencies <sup>(7)</sup>,
- having regard to the Financial Action Task Force's (FATF) Guidance for a Risk-Based Approach to Virtual Currencies as of June 2015,
- having regard to the European Council conclusions on the fight against the financing of terrorism of 12 February 2016 <sup>(8)</sup>,
- having regard to the Judgement of the European Court of Justice on the VAT Treatment of a Virtual Currency Exchange (C-264/14) <sup>(9)</sup>, and the opinion of Advocate-General Kokott delivered on 16 July 2015 <sup>(10)</sup>,
- having regard to ESMA's consultation on Investment using virtual currencies or distributed ledger technology of July 2015 <sup>(11)</sup>,
- having regard to its EPRS briefing on Bitcoin market, economics and regulation <sup>(12)</sup>,

<sup>(1)</sup> <http://www.bis.org/cpmi/publ/d137.pdf>

<sup>(2)</sup> <http://www.bankofengland.co.uk/publications/Documents/quarterlybulletin/2014/qb14q3digitalcurrenciesBitcoin2.pdf>

<sup>(3)</sup> <https://www.eba.europa.eu/documents/10180/657547/EBA-Op-2014-08+Opinion+on+Virtual+Currencies.pdf>

<sup>(4)</sup> <https://www.ecb.europa.eu/pub/pdf/other/virtualcurrencyschemesen.pdf>

<sup>(5)</sup> [http://ec.europa.eu/justice/newsroom/criminal/news/160202\\_en.htm](http://ec.europa.eu/justice/newsroom/criminal/news/160202_en.htm)

<sup>(6)</sup> [http://europa.eu/rapid/press-release\\_IP-15-5592\\_en.htm](http://europa.eu/rapid/press-release_IP-15-5592_en.htm)

<sup>(7)</sup> [http://publications.jrc.ec.europa.eu/repository/bitstream/JRC97043/the%20digital%20agenda%20of%20virtual%20currencies\\_final.pdf](http://publications.jrc.ec.europa.eu/repository/bitstream/JRC97043/the%20digital%20agenda%20of%20virtual%20currencies_final.pdf)

<sup>(8)</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/02/12-conclusions-terrorism-financing/>

<sup>(9)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1463564584935&uri=CELEX:62014CJ0264>

<sup>(10)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62014CC0264>

<sup>(11)</sup> [https://www.esma.europa.eu/sites/default/files/library/2015/11/2015-532\\_call\\_for\\_evidence\\_on\\_virtual\\_currency\\_investment.pdf](https://www.esma.europa.eu/sites/default/files/library/2015/11/2015-532_call_for_evidence_on_virtual_currency_investment.pdf)

<sup>(12)</sup> [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140793/LDM\\_BRI\(2014\)140793\\_REV1\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/140793/LDM_BRI(2014)140793_REV1_EN.pdf)

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- having regard to the Europol report ‘Changes in modus operandi of Islamic State terrorist attacks’ of 18 January 2016 <sup>(1)</sup>,
- having regard to the FATF’s report on Virtual Currencies of June 2014 <sup>(2)</sup>,
- having regard to the OECD study on ‘The Bitcoin Question — currency versus trust-less transfer technology’ <sup>(3)</sup>,
- having regard to the IMF Staff Discussion Note on Virtual Currencies and Beyond of January 2016 <sup>(4)</sup>,
- having regard to the UK Government Office for Science, Chief Scientific Adviser’s Report on ‘Distributed Ledger Technology: beyond block chain’, of 2016 <sup>(5)</sup>,
- having regard to the hearing of the Committee on Economic and Monetary Affairs on virtual currencies of 25 January 2016,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0168/2016),

A. whereas a universally applicable definition is not yet established, but virtual currencies (VCs) are sometimes referred to as digital cash, and the European Banking Authority (EBA) regards them as being a digital representation of value that is neither issued by a central bank or a public authority nor necessarily attached to a fiat currency, but is accepted by natural or legal persons as a means of payment, and can be transferred, stored or traded electronically; whereas VCs are most notably based on distributed ledger technology (DLT), the technological basis for more than 600 VC schemes <sup>(6)</sup>, which facilitates ‘peer-to-peer’ exchange, the most prominent of which to date is Bitcoin; while it was launched in 2009 and currently holds a market share among DLT-based VCs of almost 90 %, with a market value of the outstanding Bitcoins of around EUR 5 billion <sup>(7)</sup>, it has not yet reached systemic dimensions;

B. whereas DLT includes databases with varying levels of trust and resilience, with the potential to process large numbers of transactions rapidly, and with transformational capacity not only in the area of VCs but also in fintech more broadly speaking, where clearing and settlement might be one obvious application, as well as others beyond finance, especially with regard to proof of identity and property;

C. whereas investments in DLT are an integral part of the ongoing fintech innovation cycle and have totalled more than EUR 1 billion to date, from both venture capital funding and corporate investment <sup>(8)</sup>;

### ***Opportunities and risks of VCs and DLT in the rapidly evolving technological landscape of payments***

1. Stresses that VCs and DLT have the potential to contribute positively to citizens’ welfare and economic development, including in the financial sector, by means of:

<sup>(1)</sup> [https://www.europol.europa.eu/sites/default/files/publications/changes\\_in\\_modus\\_operandi\\_of\\_is\\_in\\_terrorist\\_attacks.pdf](https://www.europol.europa.eu/sites/default/files/publications/changes_in_modus_operandi_of_is_in_terrorist_attacks.pdf)

<sup>(2)</sup> <http://www.fatf-gafi.org/media/fatf/documents/reports/virtual-currency-key-definitions-and-potential-aml-cft-risks.pdf>

<sup>(3)</sup> <http://www.oecd.org/daf/fin/financial-markets/The-Bitcoin-Question-2014.pdf>

<sup>(4)</sup> <https://www.imf.org/external/pubs/ft/sdn/2016/sdn1603.pdf>

<sup>(5)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492972/gs-16-1-distributed-ledger-technology.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492972/gs-16-1-distributed-ledger-technology.pdf)

<sup>(6)</sup> <http://www.bis.org/cpmi/publ/d137.pdf>

<sup>(7)</sup> <http://coinmarketcap.com/>

<sup>(8)</sup> See, among others: <http://www.coindesk.com/state-of-bitcoin-blockchain-2016/>

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- (a) lowering transaction and operational costs for payments and especially cross-border transfer of funds, quite possibly to well below 1 %, compared to the traditional 2 % — 4 % for online payment systems <sup>(1)</sup> –, and to more than 7 % on average for the cross-border transfer of remittances <sup>(2)</sup>, hence, in an optimistic estimate, potentially reducing total global costs for remittances by up to EUR 20 billion;
- (b) more generally, reducing the cost of access to finance even without a traditional bank account, thereby potentially contributing to financial inclusion and the G20 and G8 '5x5 objective' <sup>(3)</sup>;
- (c) enhancing the resilience and, depending on the architecture of the scheme, the speed of payment systems and trade in goods and services thanks to the inherently decentralised architecture of DLT, which might continue to operate reliably even if parts of its network were to malfunction or to be hacked;
- (d) enabling systems that combine ease of use, low transaction and operational costs and a high degree of privacy, but without full anonymity so that transactions are traceable to a certain extent in case of malfeasance and so that transparency for market participants in general can be increased;
- (e) using such systems to develop secure online micropayment solutions that respect individual privacy, which could conceivably replace some of the existing online business models that significantly challenge privacy;
- (f) potentially allowing different types of traditional and innovative payment mechanisms, from credit cards to mobile solutions, to merge into one secure and user-friendly application, which could advance certain aspects of e-commerce in Europe and deepen the Single Market;

2. Notes that VCs and DLT schemes entail risks which need to be addressed appropriately so as to enhance their trustworthiness, including in the present circumstances, namely:

- (a) the absence of flexible, but resilient and reliable, governance structures or indeed a definition of such structures, especially in some DLT applications such as Bitcoin, which creates uncertainty and consumer or — more broadly — user protection problems, especially in the event of challenges unforeseen by the original software designers;
- (b) the high volatility of VCs and potential for speculative bubbles, and the absence of traditional forms of regulatory supervision, safeguards and protection, issues which are especially challenging for consumers;
- (c) the sometimes limited capacity of regulators in the area of new technology, which may make it difficult to define appropriate safeguards in a timely manner in order to ensure the proper and reliable functioning of DLT applications when or even before they grow so large as to become systemically relevant;
- (d) the legal uncertainty surrounding new applications of DLT;
- (e) the energy consumption of running certain VCs which, according to the UK Government Chief Scientific Adviser's report on DLT, in the case of Bitcoin has been estimated to be in excess of 1 GW, which would call for investments in research into, and promotion of, more efficient forms of transaction verification mechanisms;
- (f) the lack of sufficiently transparent and easily accessible technical documentation of the functioning of specific VCs and other DLT schemes;

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<sup>(1)</sup> <https://www.eba.europa.eu/documents/10180/657547/EBA-Op-2014-08+Opinion+on+Virtual+Currencies.pdf>

<sup>(2)</sup> [https://remittanceprices.worldbank.org/sites/default/files/rpw\\_report\\_december\\_2015.pdf](https://remittanceprices.worldbank.org/sites/default/files/rpw_report_december_2015.pdf)

<sup>(3)</sup> <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTFINANCIALSECTOR/0,,contentMDK:22383199~pagePK:210058~piPK:210062~theSitePK:282885,00.html>

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- (g) potential sources of financial instability that might be associated with derivative products based on poorly understood characteristics of VCs;
  - (h) the potential long-run future limitations on the effectiveness of monetary policy if private VC schemes were to be widely used as a substitute for official fiat currency;
  - (i) the potential for 'black market' transactions, money laundering, terrorist financing <sup>(1)</sup>, tax fraud and evasion and other criminal activities based on the 'pseudonymity' and 'mixing services' that some such services offer and the decentralised nature of some VCs, bearing in mind that the traceability of cash transactions tends to be much lower still;
3. Suggests that addressing these risks will require enhanced regulatory capacity, including technical expertise, and the development of a sound legal framework that keeps up with innovation, ensuring a timely and proportionate response if and when the use of some DLT applications becomes systemically relevant;
4. Points out, however, that if a regulation is adopted at a very early stage, it may not be adapted to a state of affairs which is still in flux and may convey a wrong message to the public about the advantages or security of virtual currencies;

#### ***Employing DLT beyond payments***

5. Notes that DLT's potential to accelerate, decentralise, automate and standardise data-driven processes at lower cost has the potential to alter fundamentally the way in which assets are transferred and records are kept, with implications for both the private and the public sector, the latter being concerned in three dimensions: as a service provider, as a supervisor and as a legislator;
6. Points out that clearing, settlement and other post-trade management processes currently cost the global financial industry well in excess of EUR 50 billion per year <sup>(2)</sup>, and that this and bank reconciliation processes are areas where the use of DLT might turn out to be transformational in terms of efficiency, speed, and resilience, but would also raise new regulatory challenges;
7. Highlights the fact that, in this regard, several initiatives have been put in place by private sector actors, and invites competent authorities, at both European and national level, to monitor such initiatives;
8. Further notes that DLT could be used to increase data sharing, transparency and trust not only between government and citizens, but also between private sector actors and clients;
9. Recognises the still unfolding potential of DLT well beyond the financial sector, including crypto-equity crowdfunding, dispute mediation services, in particular in the financial and juridical sectors, and the potential of smart contracts combined with digital signatures, applications allowing for heightened data security and synergies with the development of the Internet of Things;
10. Underscores the dynamics that the block-chain technologies generate in the business environment as well as their potential for transformation in the real economy in the long run;
11. Acknowledges the potential of DLT in assisting governments to reduce money laundering, fraud and corruption;

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<sup>(1)</sup> While there is potential for use of VC for terrorist financing, Europol has recently (18 January 2016) pointed out that 'despite third party reporting suggesting the use of anonymous currencies like Bitcoin by terrorists to finance their activities, this has not been confirmed by law enforcement'.

<sup>(2)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492972/gs-16-1-distributed-ledger-technology.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492972/gs-16-1-distributed-ledger-technology.pdf)

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12. Encourages government agencies to test DLT systems after conducting proper impact analyses in order to improve the provision of services to citizens and of e-government solutions, in compliance with EU data protection rules; encourages government agencies to avoid lock-in effects which may be associated with reliance on proprietary DLT schemes; specifically recognises the potential of DLT for improvements in land registry systems;

13. Recommends that government agencies and competent authorities that are tasked with analysing large quantities of data explore the use of real-time DLT-based supervision and reporting tools as part of a RegTech agenda in the financial sector and beyond, including in order to at least reduce the sizeable VAT gap in the Union <sup>(1)</sup>;

### ***Smart regulation towards fostering innovation and safeguarding integrity***

14. Calls for a proportionate regulatory approach at EU level so as not to stifle innovation or add superfluous costs to it at this early stage, while taking seriously the regulatory challenges that the widespread use of VCs and DLT might pose;

15. Highlights the similarities between Distributed Ledger Technology (DLT), consisting in a set of nodes participating in a system and sharing a common database, and the World Wide Web, defined as a global set of resources logically interrelated by hyperlinks; notes that both the DLT and the WWW are based on the internet, a global system of interconnected mainframe, personal and wireless computer networks;

16. Recalls that the internet, despite the attempts to promote a multi-stakeholder approach, is still governed by the National Telecommunications and Information Administration, an agency of the United States Department of Commerce;

17. Welcomes the creation of a Dynamic Coalition on Blockchain Technologies at the Internet Governance Forum, and invites the Commission to promote a shared and inclusive governance of the DLT, so as to avoid problems previously encountered in the development of the internet;

18. Points out that key EU legislation, such as EMIR, CSDR, SFD, MiFID/MiFIR, UCITs and AIFMD, could provide a regulatory framework in line with the activities carried out, irrespective of the underlying technology, even as VCs and DLT-based applications expand into new markets and extend their activities; observes, however, that more tailor-made legislation might be needed;

19. Welcomes the Commission's suggestions for including VC exchange platforms in the Anti-Money-Laundering Directive (AMLD) in order to end the anonymity associated with such platforms; expects that any proposal in this regard will be targeted, justified by means of a full analysis of the risks associated with VCs, and based on a thorough impact assessment;

20. Recommends that the Commission draw up a comprehensive analysis of VCs and, on the basis of this assessment, consider, if appropriate, revising the relevant EU legislation on payments, including the Payment Accounts Directive (PAD), the Payment Services Directive (PSD) and the Electronic Money Directive (EMD), in light of the new possibilities afforded by new technological developments including VCs and DLT, with a view to further enhancing competition and lowering transaction costs, including by means of enhanced interoperability and possibly also via the promotion of a universal and non-proprietary electronic wallet;

21. Observes that several virtual local currencies have been created in Europe, not least as a response to the financial crises and the related credit crunch problems; urges particular caution when defining virtual currencies, in the context of any future legislative proposals, with a view to taking proper account of the existence of 'local currencies' of a not-for-profit nature, often having limited fungibility and providing significant social and environmental benefits, and to preventing disproportionate regulation in this area, as long as taxation is neither avoided nor circumvented;

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<sup>(1)</sup> [http://europa.eu/rapid/press-release\\_IP-15-5592\\_en.htm](http://europa.eu/rapid/press-release_IP-15-5592_en.htm)

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22. Calls for the creation of a horizontal Task Force DLT (TF DLT) led by the Commission, consisting of technical and regulatory experts, in order to:

- (i) provide the necessary technical and regulatory expertise across the various sectors of pertinent DLT applications, bring together stakeholders and support the relevant public actors at EU and Member State level in their efforts to monitor DLT use at the European level and globally;
- (ii) foster awareness and analyse the benefits and risks — including to end-users — of DLT applications in order to make best use of their potential, including by aiming to identify a core set of attributes of DLT schemes conducive to the general interest, such as non-proprietary open standards, and by identifying standards for best practice where such standards are emerging;
- (iii) support a timely, well-informed and proportionate response to the new opportunities and challenges arising with the introduction of significant DLT applications, including by means of a roadmap for future steps at EU and Member State level which would include an assessment of existing European regulation, with a view to updating it in response to significant and systemic DLT use where appropriate, also addressing consumer protection and systemic challenges;
- (iv) develop stress tests for all relevant aspects of VCs and other DLT schemes that reach a level of use that would make them systemically important for stability;

23. Stresses the importance of consumer awareness, transparency and trust when using VCs; calls on the Commission to develop, in cooperation with the Member States and the VC industry, guidelines with the aim of guaranteeing that correct, clear and complete information is provided for existing and future VC users, to allow them to make a fully informed choice and thus enhance the transparency of VC schemes in terms of how they are organised and operated and how they distinguish themselves from regulated and supervised payment systems in terms of consumer protection;

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

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P8\_TA(2016)0233

## Transatlantic data flows

### European Parliament resolution of 26 May 2016 on transatlantic data flows (2016/2727(RSP))

(2018/C 076/14)

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), the Treaty on the Functioning of the European Union (TFEU) and Articles 6, 7, 8, 11, 16, 47 and 52 of the Charter of Fundamental Rights of the European Union,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>(1)</sup> (hereinafter ‘the Data Protection Directive’),
- having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters <sup>(2)</sup>,
- having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) <sup>(3)</sup>, and to Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA <sup>(4)</sup>,
- having regard to Commission Decision 2000/520/EC of 26 July 2000 (the Safe Harbour decision),
- having regard to the Commission communication to the European Parliament and the Council of 27 November 2013 on rebuilding trust in EU-US data flows (COM(2013)0846),
- having regard to the Commission communication to the European Parliament and the Council of 27 November 2013 on the functioning of the Safe Harbour from the perspective of EU citizens and companies established in the EU (COM(2013)0847) (the Safe Harbour communication),
- having regard to the judgment of the European Court of Justice of 6 October 2015 in Case C-362/14 *Maximilian Schrems v Data Protection Commissioner* (EU:C:2015:650),
- having regard to the Commission communication to the European Parliament and the Council of 6 November 2015 on the transfer of personal data from the EU to the United States of America under Directive 95/46/EC following the judgment by the Court of Justice in Case C-362/14 (Schrems) (COM(2015)0566),
- having regard to the statement of the Article 29 Working Party on the consequences of the Schrems Judgment of 3 February 2016,

<sup>(1)</sup> OJ L 281, 23.11.1995, p. 31.

<sup>(2)</sup> OJ L 350, 30.12.2008, p. 60.

<sup>(3)</sup> OJ L 119, 4.5.2016, p. 1.

<sup>(4)</sup> OJ L 119, 4.5.2016, p. 89.

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- having regard to the Judicial Redress Act of 2015, which was signed into law by President Obama on 24 February 2016 (H.R.1428),
  - having regard to the USA Freedom Act of 2015 <sup>(1)</sup>,
  - having regard to the reforms of US signals intelligence activities laid down in Presidential Policy Directive 28 (PPD-28) <sup>(2)</sup>,
  - having regard to the Commission communication to the European Parliament and the Council of 29 February 2016 entitled 'Transatlantic data flows: Restoring trust through strong safeguards' (COM(2016)0117),
  - having regard to Article 29 Working Party Opinion 01/2016 of 13 April 2016 on the EU-US Privacy Shield draft adequacy decision,
  - having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs <sup>(3)</sup>, and to its resolution of 29 October 2015 on the follow-up to the European Parliament resolution of 12 March 2014 on the electronic mass surveillance of EU citizens <sup>(4)</sup>,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the European Court of Justice invalidated the Safe Harbour decision in its judgment of 6 October 2015 in Case C-362/14 *Maximilian Schrems v Data Protection Commissioner* and clarified that an adequate level of protection in a third country must be understood to be 'essentially equivalent' to the protection provided in the Union, prompting the need to conclude negotiations on the EU-US Privacy Shield so as to ensure legal certainty on how personal data should be transferred from the EU to the US;
- B. whereas 'protecting data' means protecting the people to whom the information being processed relates, and whereas such protection is one of the fundamental rights recognised by the Union (Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union);
- C. whereas the protection of personal data, respect for private life and communications, the right to security, the right to receive and impart information and the freedom to conduct a business are all fundamental rights to be upheld and balanced;
- D. whereas, when examining the level of protection afforded by a third country, the Commission is obliged to assess the content of the rules applicable in that country deriving from its domestic law or its international commitments, as well as the practice designed to ensure compliance with those rules, since it must, under Article 25(2) of the Data Protection Directive, take account of all the circumstances surrounding a transfer of personal data to a third country; whereas this assessment must not only refer to legislation and practices relating to the protection of personal data for commercial and private purposes, but must also cover all aspects of the framework applicable to that country or sector, in particular, but not only, law enforcement, national security and respect for fundamental rights;
- E. whereas small and medium-sized enterprises (SMEs) represent the fastest-growing sector of the EU's economy, and are increasingly dependent upon the free flow of data; whereas SMEs accounted for 60 % of the companies relying on the Safe Harbour agreement, which allowed them to benefit from the streamlined and cost-effective compliance procedures;

<sup>(1)</sup> <https://www.congress.gov/114/plaws/publ23/PLAW-114publ23.pdf>

<sup>(2)</sup> <https://www.whitehouse.gov/the-press-office/2014/01/17/presidential-policy-directive-signals-intelligence-activities>

<sup>(3)</sup> Texts adopted, P7\_TA(2014)0230.

<sup>(4)</sup> Texts adopted, P8\_TA(2015)0388.

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- F. whereas the US and EU economies account for over 50 % of global GDP, 25 % of global exports and over 30 % of global imports; whereas the US-EU economic relationship is the highest valued in the world, with total transatlantic trade in 2014 valued at USD 1,09 trillion, compared with total US trade with Canada and China valued at USD 741 billion and USD 646 billion respectively;
- G. whereas cross-border data flows between the United States and Europe are the highest in the world — 50 % higher than data flows between the US and Asia and almost double the data flows between the US and Latin America — and whereas the transfer and exchange of personal data is an essential component underpinning the close links between the European Union and the United States in commercial activities and in the law enforcement sector;
- H. whereas in its Opinion 01/2016 the Article 29 Working Party welcomed the significant improvements brought about by the Privacy Shield compared with the Safe Harbour decision, and in particular the insertion of key definitions, the mechanisms set up to ensure the oversight of the Privacy Shield list and the now mandatory external and internal compliance reviews, and whereas the Working Party has also raised strong concerns about both the commercial aspects and access by public authorities to data transferred under the Privacy Shield;
- I. whereas so far the following countries/territories: Andorra, Argentina, Canada, the Faroe Islands, Guernsey, the Isle of Man, Jersey, Uruguay, Israel, Switzerland and New Zealand, have been recognised as providing adequate levels of data protection and were given privileged access to the EU market;
1. Welcomes the efforts made by the Commission and the US Administration to achieve substantial improvements in the Privacy Shield compared to the Safe Harbour decision, in particular the insertion of key definitions such as 'personal data', 'processing' and 'controller', the mechanisms set up to ensure oversight of the Privacy Shield list and the now mandatory external and internal compliance reviews of compliance;
  2. Highlights the importance of the transatlantic relationships, which remain vital for both partners; emphasises that a comprehensive solution between the US and the EU should respect the right to data protection and the right to privacy; recalls that one of the fundamental objectives of the EU is the protection of personal data, including when transferred to its major international trading partner;
  3. Insists that the Privacy Shield arrangement must be compliant with EU primary and secondary law and the relevant judgments of both the European Court of Justice and the European Court of Human Rights;
  4. Notes that Annex VI (letter from Robert S. Litt, Office of the Director of National Intelligence (ODNI)) clarifies that under Presidential Policy Directive 28 (hereinafter 'PPD-28'), bulk collection of personal data and communications of non-US persons is still permitted in six cases; points out that such bulk collection only has to be 'as tailored as feasible' and 'reasonable', which does not meet the stricter criteria of necessity and proportionality as laid down in the Charter;
  5. Recalls that legal certainty, and in particular clear and uniform rules, are a key element in business development and growth, in particular for SMEs, so as to ensure that they do not face legal uncertainty and suffer serious impacts to their operations and to their ability to conduct business across the Atlantic;
  6. Welcomes the introduction of the redress mechanism for individuals under the Privacy Shield; calls on the Commission and the US Administration to address the current complexity in order to make the procedure user-friendly and effective;
  7. Calls on the Commission to seek clarification on the legal status of the 'written assurances' provided by the US;

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8. Welcomes the appointment of an Ombudsperson in the US Department of State, who will work together with independent authorities to provide a response to EU supervisory authorities channelling individual requests in relation to government surveillance; considers however that this new institution is not sufficiently independent and is not vested with adequate powers to effectively exercise and enforce its duty;
  9. Welcomes the prominent role given by the Privacy Shield framework to Member State data protection agencies in examining and investigating claims related to the protection of personal data under the EU Charter of Fundamental Rights and in suspending transfers of data, as well as the obligation placed on the US Department of Commerce to resolve such complaints;
  10. Recognises that the Privacy Shield is part of a broader dialogue between the EU and third countries, including the United States, in relation to data privacy, trade, security and related rights and objectives of shared interest; calls on all parties therefore to work together towards the creation and sustained improvement of workable, common international frameworks and domestic legislation that achieve those objectives;
  11. Insists that legal certainty for the transfer of personal data between the EU and US is an essential element for consumer trust, transatlantic business development and law enforcement cooperation, thus making it imperative for their effectiveness and long-term implementation that the instruments allowing for such transfers comply with both EU primary and secondary law;
  12. Calls on the Commission to implement fully the recommendations expressed by the Article 29 Working Party in its Opinion 01/2016 on the EU-US Privacy Shield draft adequacy decision;
  13. Calls on the Commission to fulfil its responsibility under the Privacy Shield framework to conduct periodic robust reviews of its adequacy finding and the legal justifications thereof, in particular in the light of the application of the new General Data Protection Regulation in two years' time;
  14. Calls on the Commission to continue the dialogue with the US Administration in order to negotiate further improvements to the Privacy Shield arrangement in the light of its current deficiencies;
  15. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the US Government and Congress.
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P8\_TA(2016)0234

## **Delivering a new deal for energy consumers**

**European Parliament resolution of 26 May 2016 on delivering a new deal for energy consumers (2015/2323(INI))**

(2018/C 076/15)

*The European Parliament,*

- having regard to the Commission communication of 15 July 2015 entitled 'Delivering a New Deal for Energy Consumers' (COM(2015)0339),
- having regard to the Commission communication of 15 July 2015 entitled 'Launching the public consultation process on a new energy market design' (COM(2015)0340),
- having regard to the Commission communication of 16 February 2016 entitled 'An EU Strategy on Heating and Cooling' (COM(2016)0051),
- having regard to the Commission communication of 25 February 2015 entitled 'A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy' (COM(2015)0080),
- having regard to the Commission communication of 26 November 2014 entitled 'An Investment Plan for Europe' (COM(2014)0903),
- having regard to the Commission communication of 15 November 2012 entitled 'Making the internal energy market work' (COM(2012)0663),
- having regard to the Commission communication of 8 March 2011 entitled 'A Roadmap for moving to a competitive low-carbon economy in 2050' (COM(2011)0112),
- having regard to the Commission communication of 15 December 2011 entitled 'Energy Roadmap 2050' (COM(2011)0885),
- having regard to the Third Energy Package,
- having regard to Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC,
- having regard to 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 and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC,
- having regard to Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings,
- having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of personal data,
- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 on unfair commercial practices,
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights,
- having regard to Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems,

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- having regard to its resolution of 19 June 2008 entitled ‘Towards a European Charter on the Rights of Energy Consumers’<sup>(1)</sup>,
  - having regard to its resolution of 10 September 2013 on making the internal energy market work<sup>(2)</sup>,
  - having regard to its resolution of 14 March 2013 on the Energy roadmap 2050, a future with energy<sup>(3)</sup>,
  - having regard to its resolution of 4 February 2014 on the local and regional consequences of the development of smart grids<sup>(4)</sup>,
  - having regard to its resolution of 15 April 2014 on consumer protection — protection of consumers in utilities services<sup>(5)</sup>,
  - having regard to its resolution of 15 December 2015 entitled ‘Towards a European Energy Union’<sup>(6)</sup>,
  - having regard to Rule 52 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 Internal Market and Consumer Protection (A8-0161/2016),
1. Welcomes the Commission’s communication entitled ‘Delivering a New Deal for Energy Consumers’;
  2. Underlines that this report is exclusively focussed on energy household consumers in the context of the energy transition; highlights that industrial consumers should be considered under a separate framework;
  3. Highlights that the ongoing energy transition is resulting in a move away from an energy system based on traditional centralised generation to one which is more decentralised, energy-efficient, flexible and largely renewables-based;
  4. Draws attention to the costs of the transition to a new market design in certain Member States; invites the Commission to take due consideration of these costs in terms of affordability and competitiveness;
  5. Recalls that the ultimate goal should be an economy based on making full use of the ‘energy efficiency first/first fuel’ principle and prioritising energy savings and demand side measures over the supply side in order to meet our climate goals in line with the Paris Agreement 1,5 scenario, energy security, competitiveness and especially lower consumer bills;
  6. Believes that, in this context, the Energy Union should have the interests of present and future generations of citizens at its core and should:
    - (a) provide citizens with stable, affordable, efficient and sustainable energy, and high quality energy-efficient products, services and buildings;
    - (b) empower citizens to produce, consume, store or trade their own renewable energy either individually or collectively, to take energy-saving measures, to become active participants in the energy market through consumer choice, and to allow them the possibility of safely and confidently participating in demand response; believes that, in this context, a practical common understanding of the definition of ‘prosumers’ should be agreed at EU level, through a participative process guided by the Commission;

<sup>(1)</sup> OJ C 286 E, 27.11.2009, p. 24.

<sup>(2)</sup> OJ C 93, 9.3.2016, p. 8.

<sup>(3)</sup> OJ C 36, 29.1.2016, p. 62.

<sup>(4)</sup> Texts adopted, P7\_TA(2014)0065.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0342.

<sup>(6)</sup> Texts adopted, P8\_TA(2015)0444.

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- (c) contribute to eradicating energy poverty;
  - (d) protect consumers from abusive, uncompetitive and unfair practices by market actors and enable them to fully exercise their rights;
  - (e) create favourable conditions to ensure a well-functioning and competitive internal energy market providing choices and transparent and clear access to information for consumers;
7. Considers that phasing out regulated energy prices for consumers should take into account the real level of market competition in the Energy Union Strategy context, which should ensure that consumers have access to safe energy prices;
8. Believes that, as a general principle, the energy transition should result in a more efficient, transparent, sustainable, competitive, stable, decentralised and inclusive energy system which benefits society as a whole, increases the involvement of citizens and local and regional actors and communities, and empowers them to own or share in the ownership of the production, distribution and storage of renewable energy, while at the same time protecting the most vulnerable and ensuring that the benefits of energy efficiency measures and renewable energy are made available to them;

***Towards a well-functioning energy market benefiting citizens***

9. Considers that, while some progress has been made, the aim of the Third Energy Package to provide a truly competitive, transparent and consumer-friendly retail energy market has not yet been fully realised in all EU Member States, as evidenced by persistent high levels of market concentration, the failure to reflect falling wholesale costs in retail prices and low levels of consumer switching and satisfaction;
10. Believes, therefore, that further indicators for well-functioning, consumer-friendly energy markets need to be identified or developed by the Commission; underscores that such indicators should take into account, inter alia, the economic impact on energy consumers of switching energy suppliers, technical barriers to switching suppliers or plan, and levels of consumer awareness;
11. Highlights that open, transparent and competitive well-regulated markets are important to keep prices down, drive innovation, improve customer service and remove barriers to innovative new business models which can offer good value for citizens, both empowering them and helping to prevent energy poverty;
12. Recalls that customer choice is limited in distribution networks due to their nature as natural monopolies, i.e. that customers cannot switch their distribution system operator; stresses the need for adequate market monitoring of distribution network operators to protect customers from sudden increases in distribution bills;
13. Considers that the Commission and Member States should take the necessary measures to ensure that the benefit of raising the interconnection level of the national networks is not transferred to DSOs, but is directly transformed into benefits for final consumers; considers furthermore that enhancing the interconnection level of the national networks must have a positive effect on the energy price for consumers and shifting the benefits only to DSOs must therefore be avoided;
14. Calls on the Commission and the Member States to rigorously ensure full implementation of the Third Energy Package, and calls for its revision in the form of a new Energy Market Design to take account of the following recommendations in relation to domestic consumers:
- (a) recommends improving the frequency of energy bills and the transparency and clarity of both bills and contracts in order to aid interpretability and comparison; insists that clear language must be used, avoiding technical terms; requests the Commission to identify minimum information requirements in this respect, including best practices; stresses that both fixed charges and taxes and levies should be clearly identified as such in the bills, allowing the customer to

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distinguish them easily from the variable, consumption-related cost; recalls existing requirements for suppliers to specify in or with bills the contribution of each energy source to the overall fuel mix of the supplier over the preceding year in a comprehensible and clearly comparable manner, including a reference to where information can be found on the environmental impact in terms of CO<sub>2</sub> emissions and radioactive waste;

- (b) recommends creating a one-stop shop to provide all relevant information enabling consumers to make an informed decision;
- (c) recommends that distribution system operators, given that they have access to a household's historical consumption, as well as operators of independent comparison tools, work together with energy regulators to examine how best they can proactively provide consumers with comparisons of offers in order to enable all consumers, even those without internet access or skills, to find out whether they could save money by switching;
- (d) recommends developing guidelines for price comparison tools to ensure that consumers can access independent, up-to-date and understandable comparison tools; believes Member States should consider developing accreditation schemes covering all price comparison tools, in line with CEER guidelines;
- (e) recommends the creation of new platforms to serve as independent Price Comparison Tools (PCTs) to provide greater clarity to consumers on billing; recommends that such independent platforms provide consumers with information on the percentage share of energy sources used and the different taxes, levies and add-ons contained in energy tariffs in a comparable way to empower the consumer to easily seek more suitable offers in terms of price, quality and sustainability; suggests that this role could be assumed by existing bodies such as national energy departments, regulators or consumer organisations; recommends the development of at least one such independent price comparison tool per Member State;
- (f) recommends, in order to enhance retail competition between suppliers, that guidelines be developed by Member States, in consultation with operators of price comparison tools and consumer groups, to ensure that the design by suppliers of different tariffs allows for simple comparisons, avoiding consumer confusion;
- (g) recommends that consumers should be notified in or alongside energy bills about the most suitable and advantageous tariff for them, based on historic consumption patterns, and that it should be possible for consumers to move to that tariff, if they so wish, in the simplest way possible; notes, given that switching rates are low in many Member States, that many households, especially the most vulnerable, are not engaged in the energy market and are stuck on inappropriate, outdated and expensive tariffs;
- (h) recommends investigating measures to enable retail prices to better reflect wholesale prices and thus reverse the trend of an increasing proportion of fixed elements in energy bills, in particular taxes and levies and in some cases network charges; highlights the discrepancy between levels of levies and taxes paid by household and industry consumers;

15. Strongly believes that all energy providers' websites and digital invoicing should be fully accessible to persons with disabilities and meet the relevant requirements of European Standard EN 301 549;

16. Insists that the provisions on switching, as set out in the Third Energy Package, should be fully implemented by Member States, and that national legislation must guarantee consumers the right to change suppliers in a quick, easy and free-of-charge way, and that their ability to switch should not be hindered by termination fees or penalties; insists that enforcement of this right through market surveillance and effective, proportionate and dissuasive penalties is essential and supports ACER's 'Bridge to 2025' recommendations on switching;

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17. Believes that collective switching schemes and campaigns should be promoted in order to help consumers find a better deal, both in terms of price and quality; emphasises that such schemes must be independent, trustworthy, transparent, comprehensive and inclusive, also reaching those who are less engaged; suggests that local authorities, regulators and consumer organisations and other not-for-profit organisations are well placed to fulfil this role in order to avoid any abusive practices;

18. Insists that the provisions of the directives on unfair commercial practices and consumer rights relating to doorstep selling, unfair terms or practices and aggressive marketing techniques be properly implemented and enforced by Member States so as to protect energy consumers, especially the most vulnerable; notes that complaints regarding doorstep selling have increased in several Member States;

19. Welcomes the Commission's intention to consider incorporating laws specifically concerning energy into the Annex to the Regulation on Consumer Protection Cooperation <sup>(1)</sup>;

***Ensuring an inclusive energy system by empowering citizens to take ownership of the energy transition, produce their own renewable energy and become energy-efficient***

20. Believes that, in the context of a well-functioning energy system, local authorities, communities, cooperatives, households and individuals have a key role to play, should contribute substantially to the energy transition and should be encouraged to become energy producers and suppliers if they choose to do so; points out that for this reason it is important that the European Union adopts a common operational definition of 'prosumers';

21. Calls on Member States to introduce net metering schemes in order to support self-generation and cooperative energy production;

22. Considers that significant behavioural change among citizens will be important to achieve an optimal energy transition; considers that incentives and access to quality information are key in this respect and asks the Commission to address this in upcoming proposals; suggests that education, training and information campaigns will be important factors in bringing about behavioural change;

23. Considers that limited access to capital and financial know-how, significant upfront investment costs and extended repayment periods represent barriers to the take-up of self-generation and energy efficiency measures; encourages new business models, collective purchasing schemes and innovative financial instruments which incentivise self-generation, self-consumption and energy efficiency measures for all consumers; suggests that this should become an important objective for the EIB, EFSI, Horizon 2020 and the Structural Funds, of which public bodies and market actors should make full use; reiterates that projects should be funded on the basis of comparative cost-effectiveness, whilst keeping in mind national and European climate and energy goals and obligations;

24. Calls for stable, sufficient and cost-effective remuneration schemes to guarantee investor certainty and increase the take-up of small and medium-scale renewable energy projects while minimising market distortions; calls, in this context, on Member States to make full use of de minimis exemptions foreseen by the 2014 state aid guidelines; believes that grid tariffs and other fees should be transparent and non-discriminatory and should fairly reflect the impact of the consumer on the grid, avoiding double-charging while guaranteeing sufficient funding for the maintenance and development of distribution grids; regrets the retroactive changes to renewable support schemes, as well as the introduction of unfair and punitive taxes or fees which hinder the continued expansion of self-generation; highlights the importance of well-designed and future-

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<sup>(1)</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 364, 9.12.2004, p. 1).

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proof support schemes in order to increase investor certainty and value for money, and to avoid such changes in the future; stresses that prosumers providing the grid with storage capacities should be rewarded;

25. Recommends reducing to an absolute minimum the administrative barriers to new self-generation capacity, in particular through removing market and grid access restrictions; suggests shortening and simplifying authorisation procedures, for example by moving to a simple notification requirement, whilst still respecting all legal requirements and ensuring DSOs are informed; suggests that the revision of the renewable energy directive could include specific provisions to remove barriers and promote community/cooperative energy schemes via 'one-stop-shops' dealing with project permits and providing financial and technical expertise, and/or specific information campaigns at local and community level, as well as by guaranteeing prosumers' access to alternative dispute resolution mechanisms;

26. Highlights the need to develop a favourable, stable and fair framework for tenants and those living in multi-dwelling buildings, in order to enable them to also benefit from co-ownership, self-generation and energy efficiency measures;

27. Calls on the Commission to step up its support for the Covenant of Mayors, Smart Cities and Smart Communities and the 100 % RES communities so as to expand and further develop them as a tool to promote self-generation and energy efficiency measures, fight energy poverty, facilitate the exchange of best practices between all local authorities, regions and Member States, and ensure that all local authorities are aware of the financial support available to them;

#### ***Promoting the development of demand response management***

28. Stresses that to incentivise demand response, energy prices must vary between peak and off-peak periods, and therefore supports the development of dynamic pricing on an opt-in basis, subject to a thorough assessment of its impacts on all consumers; stresses the need to deploy technologies that give price signals which reward flexible consumption, thus making consumers more responsive; believes that tariffs must be transparent, comparable and clearly explained; recommends further analysis on how to establish and implement progressive and variable tariff systems, in order to incentivise energy savings, self-generation, demand-response and energy efficiency; reminds the Commission that when drafting the upcoming legislative proposals it should be guaranteed that the introduction of dynamic pricing is matched by increased information to consumers;

29. Believes that consumers should have easy and timely access to their consumption data and related costs, to help them make informed decisions; notes that only 16 Member States have committed to a large-scale roll-out of smart meters by 2020; believes that where smart meters are rolled out Member States should ensure a solid legal framework to guarantee an end to unjustified back-billing and a rollout that is efficient and affordable for all consumers, particularly for energy-poor consumers; insists that the benefits from smart meters should be shared on a fair basis between grid operators and users;

30. Emphasises that the development of smart technologies plays a key role in the energy transition and can help consumers reduce their energy costs and improve energy efficiency; calls for the rapid deployment of ICT, including mobile applications, online platforms and online billing; stresses however, that this development must not leave the most vulnerable or less engaged consumers behind, nor see their bills rise if they have not directly benefited; notes that special assistance should be given to these groups and that any lock-in effect which might impede consumers' ability to freely choose between tariffs and suppliers should be avoided;

31. Highlights the need to facilitate the development of smart grids and appliances which automate the management of energy demand in response to price signals; notes that smart appliances need to ensure high levels of data protection and be interoperable, designed for the benefit of the final consumer and equipped with functions enhancing energy savings and supporting the development of markets for energy services and demand management;

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32. Emphasises that consumers should have a free choice of aggregators and energy service companies (ESCOs) independent from suppliers;

33. Underlines that the collection, processing and storage of citizens' energy-related data should be managed by entities managing data access in a non-discriminatory manner and should comply with the existing EU privacy and data protection framework which lays down that consumers should always remain in control of their personal data and that these should only be provided to third parties with the consumers' explicit consent; considers, in addition, that citizens should be able to exercise their rights to correct and erase personal data;

***Addressing the causes of energy poverty***

34. Calls for enhanced coordination at EU level to combat energy poverty through the sharing of best practices among Member States and the development of a broad, common definition of energy poverty, focusing on the idea that access to affordable energy is a basic social right;;

35. Insists that better data availability and collection are essential in order to assess the situation and target assistance on energy-poor citizens, households and communities as effectively as possible;

36. Stresses the importance of encouraging all synergies in this area — including those that may exist between local authorities and distribution system operators, which are able to provide the most information on levels of energy poverty and detect situations of risk — while fully respecting European and national data protection rules;

37. Considers that the Energy Union governance framework should include objectives and reporting from Member States for energy poverty and that a toolbox of good practices should be developed;

38. Considers that energy efficiency measures are central to any cost-effective strategy to address energy poverty and consumer vulnerability and are complementary to social security policies; calls for action to ensure that energy-efficient renovation of existing buildings focuses better on energy-poor citizens in the context of the review of the EPBD and of the EED, notably Article 7; suggests that an objective of reducing the number of energy-inefficient homes by 2030 should be considered, with a focus on rental properties and social housing; believes that buildings owned and occupied by public authorities should set an example in this field;

39. Calls for EU funds for energy efficiency and support for self-generation to focus more on energy-poor, low-income consumers and address the issue of split incentives between tenants and owners;

40. Believes that, while respecting the different practices in Member States, well-targeted social tariffs are vital for low-income, vulnerable citizens, and should therefore be promoted; considers that any such social tariffs should be fully transparent;

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

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**Poverty: a gender perspective****European Parliament resolution of 26 May 2016 on poverty: a gender perspective (2015/2228(INI))**

(2018/C 076/16)

*The European Parliament,*

- having regard to Articles 2 and 3(3) of the Treaty on European Union,
- having regard to Articles 8, 9, 151, 153 and 157 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular its provisions on social rights and on equality between men and women,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to the EU's growth strategy Europe 2020 and in particular to its objective of reducing the number of Europeans living below national poverty lines by 25 % by 2020, thereby lifting over 20 million people out of poverty, and to the need to fully deploy Member States' social security and pensions systems in order to ensure adequate income support,
- having regard to the Commission's 2013 Social Investment Package (SIP),
- having regard to the European Social Fund Gender Mainstreaming Community of Practice (GenderCop), and in particular the GenderCop working group on poverty and inclusion,
- having regard to Article 7 of the Common Provisions Regulation for the Structural Funds 2014-2020,
- having regard to the 2014 Annual Convention of the European Platform against Poverty and Social Exclusion,
- having regard to Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation,
- having regard to Council Directive 2010/18/EU of 8 March 2010 on implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC,
- having regard to the Commission Roadmap of August 2015 on a new start to address the challenges of work-life balance faced by working families,
- having regard to the Commission staff working document of 3 December 2015 entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
- having regard to the results of the EU lesbian, gay, bisexual and transgender survey carried out by the European Union Agency for Fundamental Rights (FRA) and published on 17 May 2013,

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- having regard to its resolutions of 13 October 2005 on women and poverty in the European Union <sup>(1)</sup> and of 3 February 2009 on non-discrimination based on sex and intergenerational solidarity <sup>(2)</sup>,
- having regard to its position adopted at first reading on 20 October 2010 <sup>(3)</sup> with a view to the adoption of Directive 2011/.../EU of the European Parliament and of the Council amending the Maternity Leave Directive,
- having regard to its resolution of 8 March 2011 on the face of female poverty in the European Union <sup>(4)</sup>,
- having regard to its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women <sup>(5)</sup>,
- having regard to its resolution of 13 September 2011 on the situation of women approaching retirement age <sup>(6)</sup>,
- having regard to its resolution of 25 October 2011 on the situation of single mothers <sup>(7)</sup>,
- having regard to its resolution of 24 May 2012 with recommendations to the Commission on application of the principle of equal pay for male and female workers for equal work or work of equal value <sup>(8)</sup>,
- having regard to its resolution of 6 February 2013 on ‘The 57th session on UN CSW: Elimination and prevention of all forms of violence against women and girls’ <sup>(9)</sup>,
- having regard to its resolution of 12 March 2013 on the impact of the economic crisis on gender equality and women’s rights <sup>(10)</sup>,
- having regard to its resolution of 10 March 2015 on progress on equality between women and men in the European Union in 2013 <sup>(11)</sup>,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 <sup>(12)</sup>,
- having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(13)</sup>,
- having regard to the study published in April 2014 and commissioned by the Commission entitled ‘Single parents and employment in Europe’,
- having regard to the report of the Committee on Employment and Social Affairs on meeting the anti-poverty targets in light of increasing household costs, and the attached opinion of the Committee on Women’s Rights and Gender Equality (A8-0040/2016),
- having regard to Rule 52 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 Employment and Social Affairs and the Committee on Culture and Education (A8-0153/2016),

<sup>(1)</sup> OJ C 233 E, 28.9.2006, p. 130.

<sup>(2)</sup> OJ C 67 E, 18.3.2010, p. 31.

<sup>(3)</sup> OJ C 70 E, 8.3.2012, p. 162.

<sup>(4)</sup> OJ C 199 E, 7.7.2012, p. 77.

<sup>(5)</sup> OJ C 296 E, 2.10.2012, p. 26.

<sup>(6)</sup> OJ C 51 E, 22.2.2013, p. 9.

<sup>(7)</sup> OJ C 131 E, 8.5.2013, p. 60.

<sup>(8)</sup> OJ C 264 E, 13.9.2013, p. 75.

<sup>(9)</sup> OJ C 24, 22.1.2016, p. 8.

<sup>(10)</sup> OJ C 36, 29.1.2016, p. 6.

<sup>(11)</sup> Texts adopted, P8\_TA(2015)0050.

<sup>(12)</sup> Texts adopted, P8\_TA(2015)0218.

<sup>(13)</sup> Texts adopted, P8\_TA(2015)0351.

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- A. whereas the latest Eurostat data show that the number of women in poverty remains permanently higher than that of men, with currently some 64,6 million women as against 57,6 million men <sup>(1)</sup>; whereas this shows that poverty has impacts differently on women and on men; whereas women were particularly affected by the risk of poverty in the EU-28 in 2014, with the rate standing at 46,6 % before social transfers and 17,7 % after such transfers; whereas poverty rates among women vary greatly between Member States; whereas regardless of how specific the groups at risk are, such as elderly women, single women, single mothers, lesbians, bisexual women, transgender women and women with disabilities, poverty rates among migrant women and women from ethnic minorities are the same throughout the EU; whereas 38,9 % of the population and 48,6 % of single women in the EU-28 are not in a position to cope with unexpected expenses; whereas the UN High Commissioner for Human Rights reports that women form the majority of the world's poorest people and that the number of women living in rural poverty has increased by 50 % since 1975, that women work two-thirds of the world's working hours and produce half of the world's food, yet they earn only 10 % of the world's income and own less than 1 % of the world's property;
- B. whereas gender equality in the labour market, achieved by increasing social and economic wellbeing, benefits not only women but the economy and society as a whole; whereas the objective of ensuring equality between men and women dates back to the 1957 Treaty of Rome;
- C. whereas governments have committed, in the UN Convention on the Rights of the Child and the 2030 Agenda for Sustainable Development, to ensuring that all boys and girls complete a full primary education; whereas Parliament organised an event entitled 'Empowering girls and women through education' on International Women's Day in May 2015; whereas education, both formal and informal, is instrumental in overcoming marginalisation and multiple forms of discrimination by creating dialogue, openness and understanding between communities, and by empowering marginalised communities;
- D. whereas in times of economic recession people who are already at risk of living in poverty — who are more likely to be women — are in a vulnerable position in labour markets and with regard to social security, especially members of groups facing multiple discrimination; whereas the EU LGBT Survey finds that lesbians and bisexual and transgender women face a disproportionate risk of discrimination on the basis of their sexual orientation or gender identity, in employment (19 %), education (19 %), housing (13 %), healthcare (10 %) and access to social services (8 %); whereas this results in disproportionate risks to their economic and social wellbeing;
- E. whereas the austerity policies requested by the Commission and implemented by the Member States, in addition to the economic crisis of the past few years, have widened inequalities and affected women in particular, exacerbating poverty among women and increasingly excluding them from the labour market; whereas the network of public services and infrastructure providing care for children, the elderly and the sick, and the supply of high-quality, free public services of this kind have been reduced;
- F. whereas single-parent families are at greater risk of poverty or social exclusion (49,8 % compared with 25,2 % of average households with dependent children, although there are large differences between Member States) <sup>(2)</sup>; whereas according to Eurostat women accounted for 56,6 % of single-parent households in the Union in 2014; whereas poverty has a strong impact on the personal development and education of children and the effects can last an entire lifetime; whereas the educational gap between children from different socio-economic backgrounds has increased (in 11 countries, the provision of early childhood education and care to children between the ages of 0 and 3 reaches no more than 15 % coverage); whereas there is a strong probability of transmission of poverty over several generations; whereas the lack of quality education is a factor that significantly increases the risks of child poverty and the social exclusion of children, and a variety of factors related to family life — such as lack of stability, violence or poor housing conditions — significantly exacerbate the risk of dropping out of school;

<sup>(1)</sup> [http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=t2020\\_50&language=en](http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=t2020_50&language=en)

<sup>(2)</sup> Save the Children, 'Child Poverty and Social Exclusion in Europe', Brussels, 2014, p. 14.

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- G. whereas women who live in rural areas are particularly affected by poverty; whereas many women who live in rural areas are not even registered on the labour market or as unemployed; whereas the rate of unemployment among women in rural areas is extremely high, and those who are employed have very low incomes; whereas women in rural areas have limited access to education, early detection of cancer and healthcare in general;
- H. whereas living at risk of poverty results in social exclusion and lack of involvement in the life of society in terms of access to education, justice, lifelong learning, primary healthcare services, decent housing and nutrition, water and energy, access to and participation in culture and information, sport and public transport; whereas investing in policies to support women also improves their families' living conditions, in particular those of their children;
- I. whereas the gender pay gap stands at 16,3 %, and whereas the atypical and uncertain forms of work contracts also affect women more than men;
- J. whereas, very often, women who intend to set up a business have difficulty in gaining access to credit because traditional financial intermediaries are reluctant to grant loans, as they consider women entrepreneurs to be more exposed to risk and less inclined to make their businesses grow and to make profitable investments;
- K. whereas women are often employed as domestic workers, in many cases outside the scope of national labour law; whereas undocumented women in particular run the risk of being forced to work and being exploited in this area;
- L. whereas women more often than men take the responsibility for the care of elderly, ill or dependent family members as well as for children, and put their careers on hold more regularly, resulting in lower participation and long periods of inactivity in the labour market; whereas the risk of impoverishment is reduced by the establishment of high-quality social services and facilities at affordable prices for early childhood education and care, or care for other dependent persons such as the elderly; whereas few Member States have achieved or surpassed the Barcelona objectives, which must be seen as essential for moving towards the equal sharing of caring responsibilities;
- M. whereas given the intergenerational dimensions of poverty, addressing the situation of girls and young women who are facing social exclusion and poverty is key to tackling the feminisation of poverty;
- N. whereas for the whole EU-27, 34 % of single mothers of active age are at risk of poverty, as opposed to 17 % in the case of other families of active age with children;
- O. whereas the pension entitlements gap averages 39 % as a result of the imbalances created by persistent inequalities in terms of wages and access to employment, discrimination, and the pay gap between men and women in the labour market; whereas this pension gap represents an obstacle to women's economic independence and is one of the reasons why women find themselves falling below the poverty line as they grow older; whereas action is needed to secure equal access to decent pension schemes for women; whereas the pension gap decreased over the period 2006 -2012 in those Member States which implemented Directive 2006/54/EC<sup>(1)</sup>;

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<sup>(1)</sup> [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/547546/EPRS\\_STU\(2015\)54\\_7546\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/547546/EPRS_STU(2015)54_7546_EN.pdf), p. 11.

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- P. whereas the increasing risk of poverty is closely linked to budget cuts affecting education, social security systems and care services; whereas women and children have been hardest hit by the crisis and the austerity measures taken in several European countries;
- Q. whereas women are a key force for economic and social development, and a good education is one of the most effective strategies available for success in the job market and breaking out of the poverty cycle; whereas the considerable financial burden of non-free education, given the direct and indirect costs involved, is a significant barrier to people living in poverty becoming better qualified; whereas girls outperform boys in school but often encounter greater difficulties or are prevented from translating this educational success into professional accomplishment by familial and other pressures;
- R. whereas the stereotypes widely conveyed by society are rooted in patriarchy and leave women in a subordinate role in society, contributing to the feminisation of poverty; whereas these stereotypes are developed during childhood and are reflected in educational and training choices and on into the labour market; whereas women are still too often confined to 'women-friendly' tasks for which they are still not properly paid and remain under-represented in areas such as mathematics, science, business, ICT and engineering, as well as in positions of responsibility; whereas these stereotypes in combination with the male dominated sectors being normative in setting wages lead to gender-based discrimination;
- S. whereas the Europe 2020 strategy, which seeks to make the EU a smart, sustainable and inclusive economy, entails ambitious targets, such as a 75 % employment rate and a reduction of at least 20 million in the number of people affected by or at risk of poverty and social exclusion by 2020; whereas the strategy's targets include a reduction in early school leaving rates to below 10 %;
- T. whereas one of the targets of the Europe 2020 strategy is to ensure that 40 % of 30- to 34-year-olds receive a university education, compared with the current average of 37,9 %; whereas the average figure for women has exceeded 42,3 %, compared with 33,6 % for men;
- U. whereas meeting the Europe 2020 anti-poverty target, as one of the strategy's five measurable targets, requires significant new political impetus; whereas these targets cannot be met unless anti-poverty policy includes a strong gender dimension, with the adoption of national policies to protect women, in particular, from the risk of poverty;
- V. whereas poverty and social exclusion and women's economic dependency can be exacerbating factors for victims of violence against women, as well as vice versa since violence has consequences for women's health and frequently leads to losing jobs, homelessness, social exclusion and poverty; whereas this includes disproportionate vulnerability to trafficking and sexual exploitation; whereas, furthermore, many women suffering this form of violence continue to live with their abusers because they are economically dependent;
- W. whereas gender equality provides a tool for combating poverty among women, as it has a positive impact on productivity and economic growth and leads to greater participation of women in the labour market, which in turn has numerous social and economic benefits;

### ***Poverty and work-life balance***

1. Underlines the crucial role of high-quality public services in combating poverty, especially female poverty, since women are more dependent on such services;
2. Stresses the need for the encouragement and commitment of men in terms of promoting gender equality in all fields and at all levels of the labour market;

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3. Considers that Member States should prioritise the issue of reconciling private and professional life by introducing family-friendly working arrangements, such as adaptable working hours and the possibility of teleworking; notes that the lack of affordable high-quality childcare, care for dependent persons and the elderly, and in particular of crèches, nursery schools and long-term care facilities, contributes to social exclusion, the gender employment gap, the pay gap and the related pension gap; emphasises that equal access to free high-quality early childhood education and affordable care, to formal, informal, and non-formal education and to family support services is central to encouraging women to enter and stay on the labour market, securing equal opportunities and breaking poverty cycles, as this helps women acquire autonomy and the qualifications that serve to secure employment;

4. Deplores the austerity policies which, together with the economic crisis, are helping to increase the rate of poverty, particularly among women;

5. Calls on the Member States and the Commission to develop and use the available policy and financial instruments, including the Social Investment Package, in order to meet the Barcelona objectives; calls, in this context, for the European Social Fund (ESF) and the European Regional Development Fund (ERDF) to be optimised, for priority to be given, in the use of social investments and the European Fund for Strategic Investments (EFSI) regulation, to the establishment of public and private facilities for care of and assistance to children and other dependent persons; proposes that the Commission allocate specific resources, through a cofinancing mechanism, to promote incentives for specific areas where there is a shortage of ECEC facilities and where the female employment rate is extremely low;

6. Calls on Member States to implement policies that will protect, upgrade and promote free, high-quality public services, above all in the areas of health, education, social security and justice; points out that it is crucial for public services to have the necessary financial and human resources to fulfil their objectives;

7. Calls on the Commission and the Member States to take the necessary measures to promote the reconciliation of work and private life, in order to enable women, particularly those most at risk of poverty, to pursue their careers on a full-time basis or, if they prefer, to have access to part-time work or work with flexible hours;

8. Calls on the Commission, in close coordination with the Member States, to undertake a comprehensive legislative initiative with a view to meeting the needs of mothers and fathers concerning the different types of leave, namely maternity, paternity, parental and carers' leave, in particular in order to help men play an active role as fathers, enabling a fairer distribution of family responsibilities and thus allowing women equal opportunities to participate in the labour market, which will in turn make them economically more independent; bears in mind that some Member States have already passed legislation on this issue that goes beyond the provisions of EU law; calls on the Member States to envisage legislation to safeguard or enhance maternity, paternity and parental rights; underlines the fact that in 2010 only 2,7 % of persons using their right of parental leave were men, which points up the need for concrete action to ensure parental leave rights;

9. Reiterates its disappointment at the withdrawal of the maternity leave directive after years of effort aimed at unblocking the deadlock and thus ensuring better protection for European citizens; calls on the Commission to put forward a new proposal and a mandatory right to paid paternity leave; believes that specific measures need to be taken in all Member States to improve work-life balance for women; urges the Commission to incorporate both a more robust social dimension and workplace gender equality objectives into the European Semester;

10. Welcomes the proposal to introduce carers' leave, as foreseen in the Commission Roadmap on a new start to address the challenges of work-life balance faced by working families;

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**Poverty and work**

11. Calls on the Commission and the Member States to implement policies to promote the employment of women and the integration into the labour market of socially marginalised groups of women, in the light of the objectives of the Europe 2020 strategy, to strengthen and improve education, and to invest more in training and information campaigns, ensuring that qualification prevails in the subsequent integration of women into the labour market, with an emphasis on lifelong learning since it provides women with the necessary skills to access high-quality jobs, and gives women the opportunity to re-skill in the ever-changing labour market; calls for an increase in the promotion of STEM subjects aimed at young girls in order to address existing educational stereotypes early and combat long-term gaps in employment and pay; calls for the development of affordable and high-quality public care services, adaptable but not precarious working-time arrangements that benefit both women and men, and measures to combat the segregation of men and women by occupation and sector, including in the world of enterprise and in positions of responsibility;

12. Emphasises that access to credit, financial services and advice is key to empowering women facing social exclusion in entrepreneurship, and to increasing their representation in the sector; calls on the Commission and the Member States to take effective measures to increase access to funding for women who want to start their own business or investment projects, and to promote female entrepreneurship since it contributes to general economic and social development, to facilitate access to credit, also through microcredit instruments, particularly with regard to vulnerable women facing multiple discrimination, and to develop and expand self-employment programmes in a non-precarious way; underlines the importance in this context of sharing and promoting best practices, mentorship, female role models and other forms of support for unemployed women;

13. Stresses the crucial importance of: reforming macroeconomic, social and labour market policies by aligning these with gender equality policies in order to guarantee economic and social justice for women; reconsidering the methods used to determine the poverty rate and developing strategies to promote the fair distribution of wealth;

14. Notes that women are more often employed in precarious and low-paid work and on non-standard employment contracts; notes that another facet of job precariousness is the extent of involuntary part-time work, which contributes to the risk of poverty and has increased from 16,7 % to 19,6 % of total employment; calls on the Member States to step up their efforts to combat undeclared work, precarious jobs and the abuse of atypical forms of contract, including zero-hour contracts in some Member States; highlights the high levels of undeclared work performed by women, which negatively impact on women's income and social security coverage and protection and have an adverse effect on EU GDP; urges the Member States to consider implementing the International Labour Organisation (ILO) recommendations intended to reduce the scale of precarious work<sup>(1)</sup>, such as analysing and restricting the circumstances in which precarious contracts can be used and limiting the length of time that workers can be employed on successive contracts of this kind, after which they should be given the option of a permanent contract;

15. Calls on the Member States to monitor the rights of female workers, who increasingly work in low-paid jobs and are victims of discrimination;

16. Points out that there are new categories of women in poverty, consisting of young professional women, and which therefore condemn a large proportion of young female graduates to a precarious working life and an income that rarely manages to rise above the poverty line (the 'new poor');

17. Reiterates its call on the Commission to revise the existing legislation in order to close the gender pay gap and reduce the pension gap between men and women; notes that measures to increase wage transparency are fundamental to closing the gender pay gap, and calls on the Member States to implement the Commission's recommendation of 7 March 2014 on

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<sup>(1)</sup> International Labour Organisation, Policies and regulations to combat precarious employment, 2011.

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strengthening the principle of equal pay between men and women through transparency, including reversal of the burden of proof when it comes to challenging gender discrimination in the workplace;

18. Calls on the Commission to conduct a study of how procedures related to the official recognition of the gender reassignment of a person, or the absence of such procedures, affect transgender people's position on the labour market, particularly their access to employment, level of remuneration, career development and pensions;

19. Notes with concern that women often receive pensions that are worth barely more than the minimum subsistence level, there being various reasons for this such as their having taken a break in or stopped their working life to care for their family, the predominance of part-time contracts throughout their working life, or because they worked unpaid for their spouse, especially in commerce or in farming, and did not contribute to a social security scheme;

20. Welcomes the fact that the Commission considers 'equal pay for work of equal value' to be one of the key areas for action in its new strategy for gender equality; calls on the Commission to adopt a Communication for a 'New Strategy for Gender Equality and Women's Rights post 2015', so that the objectives and policies included can be effectively implemented;

21. Calls on the Member States to ensure that all persons who have temporarily interrupted their careers to bring up children or care for elderly persons can be reintegrated into the labour market and return to their former position and level of career advancement;

22. Invites the Commission to carry out an impact assessment of minimum income schemes in the EU, and to consider further steps that would take into account the economic and social circumstances of each Member State as well as an assessment of whether those schemes enable households to meet basic personal needs; once again urges the Member States to introduce a minimum national pension which cannot be lower than the risk-of-poverty threshold;

23. Notes that retired women are the most vulnerable group and often live in or are at risk of poverty; calls on the Member States to treat the issue of reducing the gender pension gap as an economic objective; calls on the Member States to reform pension systems with the aim of always ensuring adequate pensions for all with a view to closing the pension gap; considers that instruments to tackle the pension gap include the adjustment of pension systems to ensure equality between women and men, and adjustments to education, career planning, parental leave systems and other parenthood support services; calls on the Member States to consider providing shared pension rights in cases of divorce and legal separation, in line with the principle of subsidiarity; notes that occupational old-age pension schemes are increasingly run in accordance with insurance principles and that this might give rise to many gaps in terms of social protection<sup>(1)</sup>; emphasises that the Court of Justice of the European Union has made it clear that occupational pension schemes are to be regarded as pay and that the principle of equal treatment therefore applies to these schemes as well;

#### ***Poverty: general recommendations***

24. Notes that people living in poverty often pay a higher unit cost compared to the better-off for the same goods and services that are essential to their social and economic survival, particularly with regard to telecommunications, energy, and water; calls on the Member States to work closely with suppliers and operators on the development of support schemes and social pricing for the most deprived in society, particularly in regard to water and power supplies, so as to eradicate energy poverty in households;

25. Reiterates the role of education in combating gender stereotypes, empowering women and girls in the social, economic, cultural and political fields and in scientific careers, and in ending the cycle of poverty through women's

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<sup>(1)</sup> [http://ec.europa.eu/justice/gender-equality/files/conference\\_sept\\_2011/dgjustice\\_oldagepensionspublication3march2011\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/conference_sept_2011/dgjustice_oldagepensionspublication3march2011_en.pdf)

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inclusion in sectors where they have been under-represented, such as science, technology, engineering, and entrepreneurship, and calls on the Commission to incorporate vocational training targets for women in the country-specific recommendations; emphasises the role of non-formal education; calls on Member States to include investment in the education of girls and women aimed at enhancing their potential as an integral part of their economies and recovery plans; encourages Member States to work to aid young women in the transition from formal education to the labour market; stresses the need for all educational institutions to impart democratic values with a view to encouraging tolerance, active citizenship, social responsibility and respect for differences related to gender, minorities, and ethnic and religious groups; points out the importance of sport and physical education in terms of overcoming prejudices and stereotypes and their potential value in helping socially vulnerable young people put their lives back on track;

26. Expresses its concern that women with children are discriminated against in the workplace because they are mothers and not because their job performance is inferior to that of their peers; urges the Member States to actively promote a positive image of mothers as employees and to combat the phenomenon of the 'motherhood penalty' as identified by a number of research studies;

27. Calls on the Commission and the Member States to ensure that the structural and investment funds, in particular the ESF, as well as the EFSI, are used to improve education and training with a view to improving labour market access and combating unemployment, poverty and social exclusion of women; highlights that the 20 % share of the ESF allocated to social inclusion measures and social innovation projects could be used more actively to support initiatives such as small-scale local projects aimed at empowering women experiencing poverty and social exclusion; urges the Member States to undertake more information campaigns on opportunities for participation in EU-funded projects;

28. Calls for funding mechanisms which incentivise the achievement of equal representation in areas where there is a gender imbalance, and stresses the need for gender-disaggregated data in order to better understand the situation for girls, boys, men, and women, and therefore be able to provide more effective responses to imbalances; asks the Commission to provide a breakdown by gender and age regarding participation in European educational mobility programmes, such as Erasmus+, Creative Europe and Europe for Citizens;

29. Recalls, in particular, the right of migrant and refugee children, both boys and girls, to have access to education, this being one of the priorities of European societies; stresses, therefore, that urgent measures in the field of migrant education should be taken both at EU and national levels in light of the persisting migrant crisis; emphasises that education is key to integration and employability, and that a failure of national education systems to meet this challenge may provoke further cultural segregation and deepen social divisions; points out that access to education, in both refugee camps and host municipalities, meeting the requisite quality standards and accompanied by linguistic and psychological support, must not be undermined by bureaucratic and administrative issues relating to recognition of refugee status;

30. Stresses the contribution of voluntary organisations and the tertiary sector in this area, and urges the Member States to support their efforts; recalls the high level of participation by women in voluntary education and other activities, and in supporting and improving educational opportunities, for example for refugees and deprived children;

31. Stresses that the effects of poverty and social exclusion on children can last a lifetime and result in the intergenerational transmission of poverty; stresses that in all Member States the risk of poverty and social exclusion among children is strongly linked to the level of education of their parents, in particular that of their mothers, and to their parents' situation in the labour market, their social situation and the forms of family support provided by the Member States; recommends that Member States ensure that all young people have access to high-quality free public education at all ages, including early childhood; stresses the role of educational guidance for children aimed at allowing them to realise their full potential; stresses the need to support, with targeted programmes, the ongoing education of teenage mothers for whom leaving school early is a first step towards poverty; stresses the need to establish a comprehensive set of measures for tackling child poverty and promoting child wellbeing, to be based on three pillars: namely, access to adequate resources and

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reconciling work and family life; access to good quality services; and children's participation in decisions that affect them as well as in cultural, leisure and sporting activities; reiterates the need to ensure ease of access to information on an equal basis, especially with regard to social security, adult education, healthcare and available economic support;

32. Highlights that the lack of recognition of LGBTI families by many Member States results in lower incomes and higher living costs for LGBTI people, thus increasing the risk of poverty and social exclusion; believes that equal treatment legislation is a vital instrument to combat poverty resulting from marginalisation and discrimination affecting sexual and gender minorities; calls on the Council, in this regard, to adopt the 2008 proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation; calls, furthermore, for the explicit inclusion in any future recast of the Gender Equality Directives of a ban on discrimination on grounds of gender identity; remains concerned that rights awareness and awareness of the existence of bodies and organisations offering support to victims of discrimination are low; calls on the Commission, in this regard, to closely monitor the effectiveness of national complaints bodies and procedures;

33. Calls for full implementation of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, and for it to be revised with a requirement for companies to draw up measures or plans relating to gender equality, including actions on desegregation, development of pay systems, and measures to support women's careers;

34. Reaffirms the importance of economic and financial education at a young age, since this has been shown to improve economic decision-making later in life, including in managing expenditure and income; recommends the exchange of best practice and the promotion of educational programmes targeting women and girls in vulnerable groups and marginalised communities facing poverty and social exclusion;

35. Notes that the absence of a partner's income may be a major contributing factor to the poverty trap and to the social exclusion of women; notes the often precarious situation of widows and of divorced women and single mothers to whom judges have granted custody of children, for whom an adequate level of maintenance needs to be defined; notes that non-payment of maintenance can plunge single mothers into poverty; underlines the fact that divorced women are prone to discrimination and poverty, and that this is evidence of women not yet being fully economically independent, thus pointing to the need for further actions in the field of the labour market and the closing of the gender pay gap;

36. Stresses that the collection of data on household expenses and income must be complemented by individualised data in order to account for gender-based inequalities within households;

37. Insists that macroeconomic policy must be compatible with social equality policy; reiterates that financial institutions such as the ECB and national central banks must take into account social impacts, when modelling and deciding on macroeconomic monetary policies or financial services policies;

38. Reiterates its support for the initiative to formulate a guideline reference budget, and calls on the Commission to include gender-specific considerations when designing it, including the gender inequalities faced within households;

39. Reasserts the need to undertake research into female homelessness and its causes and drivers, as the phenomenon is inadequately captured in current data; notes that gender-specific elements that ought to be taken into account include gender-based economic dependency, temporary housing, and avoidance of social services;

40. Emphasises that violence against women continues to be a significant problem in the EU affecting its victims, and that there is an urgent need to involve the perpetrators thereof in measures to combat violence against women irrespective of their age, education, income level or social position, and that its impact on the risks of marginalisation, poverty and social exclusion is constantly growing; notes that women's economic independence plays a crucial role in their ability to escape situations of gender-based violence by taking proactive measures; calls on the Member States and regional and local

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authorities to ensure social protection systems guaranteeing the social rights of women who are victims of violence in any form, be it domestic violence, trafficking, or prostitution, and to take action to reintegrate them into the labour market, also making use of instruments such as the ESF; underlines the need for an increase in availability of information when it comes to legal services for victims of violence;

41. Stresses the need for determined efforts to combat domestic violence, particularly against women; notes that women's economic independence plays a crucial role in their lives and their ability to extricate themselves from situations of domestic violence, and that women who have exhausted their paid leave are at risk of losing their jobs and economic independence; notes that the recent introduction of domestic violence leave in Australia and the US has provided many workers with employment protection when dealing with the impact of domestic violence, for example by allowing the people concerned the time to manage medical appointments, court appearances and other processes that must be addressed in such situations; calls on the Commission and the Member States to examine the feasibility and possible outcomes of introducing a system of paid special leave for victims and survivors of domestic violence where lack of paid leave is an obstacle to victims being able to maintain their employment while ensuring their privacy; also calls on the Commission and the Member States to introduce further measures to raise awareness of the problem of domestic violence and to help the victims of such violence, to promote better knowledge and defence of their rights, and to protect their economic independence;

42. Reiterates its call for the EU and all Member States to sign and ratify the Istanbul Convention, and asks for an urgent initiative in order to establish an EU directive on combating violence against women; calls once more on the Commission to present a European strategy against gender-based violence, and to establish a European Year for combating gender-based violence;

43. Believes there is a need to work proactively to overcome violence against women by targeting norms which glorify violence; underlines that stereotypes and structures which are the foundation for men's violence against women must be combated by proactive measures through campaigns and ongoing education on the issue of macho cultures at national level;

44. Points out that new technologies should be regarded as a fundamental tool for creating new jobs and as an opportunity to bring women out of poverty;

45. Encourages the Member States, in cooperation with regional and local authorities, to help improve the quality of life of women in rural areas in order to reduce the risk of poverty while providing quality educational programmes aimed at empowering rural women, as well as quality employment conditions and decent incomes for this group; encourages the Member States to provide quality municipal, social and public infrastructure in order to improve general living conditions in rural areas;

46. Believes that many aspects of poverty, and especially female poverty, remain unrecognised, including for example the exclusion of women from access to culture and social participation, and therefore calls on the Member States to provide the support necessary to ensure that all women can enjoy culture, sport, and leisure, paying particular attention to women living in poverty, women with a disability, and migrant women; considers that the existing indicators of severe material deprivation exclude the factors of access to culture and social participation, and therefore provide only an incomplete understanding of poverty; calls for more indicators to be developed for assessing exclusion in terms of social, cultural, and political participation, and particularly its influence on the vicious cycle of poverty, as well as its intergenerational impacts;

47. Notes that disabled women often suffer discrimination within the family environment and in education, that their employment opportunities are restricted and that the social benefits they receive are not sufficient to stop them falling into poverty; stresses in this respect that Member States and regional and local authorities should grant disabled women the specialist care they need in order to exercise their rights, and should propose actions to aid their integration into the labour market through additional support measures, in particular as regards education and training;

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48. Calls for more ambitious action to tackle energy poverty, which disproportionately affects single women and single-parent and female-headed households; urges the Commission and the Member States to establish a definition of energy poverty which takes into account gendered aspects of the phenomenon, and to include this in the future recast of the Energy Performance of Buildings Directive; highlights the important role of community energy initiatives such as cooperatives in empowering vulnerable energy consumers, and particularly women who are facing poverty and social exclusion and marginalisation;

49. Reasserts its call on the Commission to strive towards establishing a European Child Guarantee that will ensure that every European child at risk of poverty has access to free healthcare, free education, free childcare, decent housing and adequate nutrition; emphasises that such a policy must address the situation of women and girls, particularly in vulnerable and marginalised communities; notes that the Youth Guarantee Initiative must include a gender perspective;

50. Encourages the Member States and the Commission to collect gender-disaggregated statistics and to introduce new individual indicators in respect of women and poverty, as a tool to monitor the impact of broader social, economic and employment policies on women and poverty in order to develop exchanges of best practice on legislative and budgetary instruments for combating poverty, with a focus on those groups at particular risk of poverty, and regardless of sexual orientation or gender identity;

51. Highlights the role of social enterprises in empowering and including women facing poverty and social exclusion and multiple discrimination;

52. Asks the Commission and the Member States to create stakeholder engagement processes that promote and facilitate the direct engagement of persons at risk of poverty and social inclusion, particularly women and girls, in policy-making on social inclusion at all levels;

53. Calls on the Commission and the Member States to implement gender budgeting as a tool for ensuring that budgetary decisions take into account the gender dimension and address differentiated impacts;

54. Calls on the Member States to cooperate in the fight against poverty with NGOs which operate successfully in areas afflicted by extreme poverty and which have precious know-how in local communities; calls on the Member States to support effective cooperation at local level;

55. Calls on the Member States and the Commission to involve social partners (trade unions and employers) and civil society, including gender equality bodies, in the realisation of gender equality, with a view to fostering equal treatment; stresses that social dialogue must include the monitoring and promotion of gender equality practices in the workplace, including flexible working arrangements, with the aim of facilitating the reconciliation of work and private life; stresses the importance of collective agreements in combating discrimination and promoting equality between women and men at work, as well as of other instruments such as codes of conduct, research, exchanges of experience and good practice in the area of gender equality;

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

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P8\_TA(2016)0236

**Non-tariff barriers in the Single Market****European Parliament resolution of 26 May 2016 on Non-Tariff Barriers in the Single Market (2015/2346(INI))**

(2018/C 076/17)

*The European Parliament,*

- having regard to the Commission communication of 28 October 2015 entitled ‘Upgrading the Single Market: more opportunities for people and business’ (COM(2015)0550),
  - having regard to the Commission staff working document of 28 October 2015 entitled ‘A Single Market Strategy for Europe — Analysis and Evidence’ (SWD(2015)0202),
  - having regard to the Commission staff working document of 28 October 2015 entitled ‘Report on Single Market Integration and Competitiveness in the EU and its Member States’ (SWD(2015)0203),
  - having regard to the European Parliamentary Research Service study of September 2014 entitled ‘The Cost of Non-Europe in the Single Market’,
  - having regard to its resolution of 11 September 2013 on the Internal Market for Services: State of Play and Next Steps <sup>(1)</sup>,
  - having regard to its resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors <sup>(2)</sup>,
  - having regard to the October 2015 edition of the online Single Market Scoreboard,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0160/2016),
- A. whereas the European single market makes a significant contribution to European economies;
- B. whereas it is estimated that completing the single market for the free movement of goods, services, public procurement, the digital economy and the body of consumer law would entail economic gains ranging from EUR 651 billion to EUR 1,1 trillion per year, equivalent to between 5 % and 8,63 % of EU GDP;
- C. whereas, more than 20 years after the launch of the single market, unjustified non-tariff barriers (NTBs) continue to affect trade and free movement of goods and services between Member States; whereas these NTBs can be motivated by protectionism and can be accompanied by bureaucratic challenges that are very often disproportionate to their purpose;
- D. whereas it is estimated that the single market for services constitutes about 70 % of the European economy, but accounts for only about 20 % of intra-EU trade;
- E. whereas 25 % of regulated professions are regulated in only one Member State;
- F. whereas it is estimated that the potential gains from the functioning digital single market could be around EUR 415 billion per year and the GDP increase around 0,4 % by 2020, and whereas there are many gaps in EU legislation hampering its proper functioning;

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<sup>(1)</sup> OJ C 93, 9.3.2016, p. 84.

<sup>(2)</sup> Texts adopted, P7\_TA(2013)0580.

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- G. whereas only 2 % of new SMEs, microenterprises and start-ups have undertaken cross-border expansion through foreign direct investment;
- H. whereas for consumers, gaps in the single market, including the implementation of EU legislation in a way that is incomplete or at odds with the objectives of the single market, lead in many cases to sub-optimal product choice and to goods and services being more expensive;
- I. whereas for businesses the costs are manifest in more expensive supply chains, leading to their own products being more costly, or in reduced access to business services, which harms their competitiveness; whereas innovation is encouraged through a competitive market;
- J. whereas the complexity of the current VAT regime can also be considered an NTB;
- K. whereas anti-competitive tax deals between Member States and large multinational companies can be considered an unjustified NTB;
- L. whereas businesses and individuals are facing major obstacles in cross-border activities within the single market owing to lack of availability and quality of information, assistance services and online procedures, leading to high administrative burdens and significant compliance costs;
- M. whereas the monitoring of barriers and costs is piecemeal and unsystematic, and quantification and clear identification of barriers and costs is lacking, which makes prioritisation of policy actions difficult;

**I. *Context and policy objectives***

1. Realises that despite the removal of tariff barriers since 1 July 1968, the free movement of goods and services has continued to be hampered by NTBs such as unjustified national technical rules and regulatory and non-regulatory requirements governing products, service providers and terms of service provision, or bureaucracy; highlights that the strengthening of the single market requires urgent action at both Union and Member State levels to address such NTBs;
2. Understands an NTB as being a disproportionate or discriminatory regulatory action which results in a burden or cost to be borne by a firm which seeks to enter a market, and which is not borne by firms already in the market, or a cost which accrues to non-national firms which is not borne by domestic firms, without prejudice to the Member States' right to regulate and the pursuit of legitimate public policy objectives such as protection of the environment and consumer or employment rights;
3. Recognises that national-level differences may emerge owing to multi-level governance; believes that the need for measures to be proportionate and in furtherance of legitimate public policy objectives should be well understood at all levels of regulatory decision-making; believes that consistency and coherence of policy and regulatory practice can contribute significantly to lowering NTBs;
4. Believes that where such NTBs can be justified as proportionate, information on differing national regulatory requirements should be easily accessible and the related provision of notification information and completion of procedures as user-friendly as possible; considers that the implementation of the present system built around a diverse range of contact points, including Product Contact Points and Single Points of Contact, has been inconsistent across Member States and is overly complex; recalls the importance of strengthening and streamlining existing single market tools for SMEs in order to simplify their cross-border expansion; urges the Commission and the Member States to place greater emphasis on streamlining and improving these systems, in particular the need for rapid improvement of the Single Points of Contact, and calls on the Commission to report to Parliament on the progress and next steps by the end of 2016; highlights that by being more open and accessible as regards regulatory requirements the Member State in question becomes more attractive for inward investment;

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5. Welcomes the Single Digital Gateway initiative, announced in the Commission's Digital Single Market communication, as a positive step; urges the Commission to create a single entry point for businesses and consumers to all single market related information, assistance and problem solving and to national and EU-wide procedures needed to operate cross-border in the EU;
6. Considers that in order to eliminate NTBs it is important for the Commission and the Member States to work together to improve the functioning of SOLVIT, especially in geographical or industry areas where businesses do not use SOLVIT often and not all submitted cases are taken up by the competent authority;
7. Underlines that for many companies, in particular SMEs, seeking to trade in another Member State, such an expansion will still from their perspective constitute 'international trade'; highlights that SMEs, start-ups and innovative businesses, in particular sharing economy businesses, should be fully enabled to grow through cross-border trade;
8. Believes that one of the tasks of the Union and its individual Member States should be the eventual abolition of NTBs where they cannot be justified or do not support the objectives listed in Article 3(3) of the Treaty on European Union, which states that Europe is based on a highly competitive social market economy;
9. Reiterates that the Digital Single Market Strategy and the Single Market Strategy for Europe comprise initiatives that should be implemented swiftly and ambitiously in order to reduce single market NTBs; highlights that it is crucial for these initiatives to be based on better regulation principles and on the most efficient tools, such as harmonisation and mutual recognition;

## II. *Cross-cutting non-tariff barriers*

10. Believes that differences in the speed of transposition and the exact implementation of existing directives at national level create legal uncertainty for businesses and varying competition conditions in the internal market;
11. Considers that where the Commission has repealed unnecessary EU legislation, Member States should act swiftly to repeal corresponding domestic provisions;
12. Considers that extended non-compliance with Union law by Member States is detrimental for the single market and consumers; considers also that the slow transposition process leads to some Member States benefiting from an undue prolongation of the compliance deadline; calls for a compliance culture to be further promoted in cooperation between the Commission and the Member States, as foreseen in the Single Market Strategy; underlines the need to swiftly address the subject of non-compliance by Member States;
13. Draws the attention of the Commission and the Member States to the issue of some national governments loading transposed directives with additional rules when implementing EU law, i.e. so-called 'gold-plating';
14. Draws attention to the fact that the intensity and number of controls that have been recently imposed on foreign service providers are growing; calls on Member States to make sure that these controls are proportionate, justified and non-discriminatory;
15. Highlights that inconsistent enforcement of existing correctly transposed rules by Member States causes the same harm to the single market as late transposition; considers that compliance and enforcement are made more challenging when commonly used definitions, for example 'traceability' or 'placed on the market', are given different meanings in different pieces of legislation;
16. Believes that unequal application of the same rules in different Member States has the potential to create new unjustified NTBs; calls on the Commission to make every effort to minimise divergences at the earliest possible stage;

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17. Believes that the Commission should increase its use of guidelines with regard to the implementation of directives since this can be a useful tool to ensure a higher degree of uniform implementation;

18. Notes the persistence of national-level differences in product market regulation with which businesses operating across borders still have to contend, in terms of both level of restriction and differences between Member States; considers that this unnecessarily forces businesses to adapt their products and services to comply with multiple standards and repeated testing, thus limiting intra-EU trade, reducing growth and hampering job creation;

19. Believes that since economies of scale are reduced by the need to run different product lines, the burden falls, in many ways, be they legal, financial or otherwise, disproportionately on SMEs and microenterprises;

20. Draws attention to the low levels of cross-border public procurement to date, with less than 20 % of all public procurement in the Union publicised on pan-European platforms and only 3,5 % of contracts being awarded to companies from other Member States; highlights the difficulties experienced, in particular by SMEs, in participating in cross-border public procurement; stresses in this context the importance of the new EU directives on public procurement and the award of concession contracts, which the Member States were required to transpose by April 2016; calls on the Member States to fully implement this legislation, including fully electronic public procurement processes;

21. Highlights that the cost of compliance with VAT requirements is one of the biggest NTBs; calls for practical VAT simplification proposals;

22. Recognises that different VAT regimes across the Union might be perceived as an NTB; underlines that the VAT Mini One-Stop Shop (VAT MOSS) is a good way of supporting the overcoming of this barrier and in particular of supporting SMEs in their cross-border activity; acknowledges that there are still some minor problematic issues with the VAT MOSS; calls on the Commission to further facilitate the payment of VAT obligations by companies across the EU;

23. Believes that many national administrative practices also give rise to unjustified NTBs, including requirements for formalising of documents by national bodies or offices; urges Member States to use e-governance solutions, which includes prioritising interoperability and digital signatures, in order to modernise their public administrations, building on examples such as those in Estonia and Denmark, by providing more and better accessible digital services for citizens and businesses, and facilitate cross-border cooperation and the interoperability of public administrations, without affecting the protection of personal data; believes that the use of e-governance is an important tool for companies but that this should not exclude alternative ways of accessing information or disadvantage citizens who are unable to access digital services;

24. Calls on the Commission to take a strong approach to enforcement in practice, making sure that single market rules are duly applied and implemented by the Member States; considers, in this regard, that the process of implementing transposed directives should be better coordinated, for example by means of transposition workshops organised by the Commission and exchange of best practices in order to minimise differences between Member States at an early stage;

**III. Sector-specific non-tariff barriers***Single market for goods*

25. Underlines the importance of the principle of mutual recognition for ensuring market access to the single market for goods which are not harmonised at Union level, and in cases where Member States have national, very often different, rules on products, but with the same underlying objective;

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26. Highlights that many businesses are not aware of mutual recognition and believe that they have to comply with national requirements in the Member State of destination when trading in the single market;

27. Calls on the Commission to act to improve the application of mutual recognition; anticipates, in this context, the Commission's plans to increase awareness and revise the Mutual Recognition Regulation; believes that harmonisation is also an effective tool to ensure equal access for goods and services to the single market;

#### *Single market for services*

28. Draws attention to the problems for service providers, especially in business services, the transport sector and construction, stemming from multiple and diverse unjustified or disproportionate requirements concerning authorisation, registration, prior notification or *de facto* establishment requirements; underlines that this might lead to discrimination against foreign service providers which would contradict the principle of free movement of services; calls, in this context, for a more developed e-administration and electronic registration system in order to simplify the process for service providers;

29. Emphasises that, in particular, the lack of implementation and diverging application of the Services Directive is hampering the single market;

30. Stresses the need for a clear and uniform regulatory environment which enables services to develop in a market that protects workers and consumers and ensures that existing and new operators on the EU single market do not face meaningless regulatory obstacles, whatever kind of business they are conducting;

31. Draws attention also to the unjustified or disproportionate restrictions in some Member States as regards the legal form of service providers and their shareholding or management structure, and as regards restrictions on the joint exercise of the profession; stresses that some of these restrictions may be disproportionate or unjustified obstacles to cross-border service provision; emphasises the need to ensure consistent proportionality assessment of regulatory requirements and restrictions applicable to services;

32. Emphasises that the notification obligation contained in the Services Directive could have been effective in reducing or eliminating unjustified NTBs, but has been neglected by Member States and the Commission; welcomes, therefore, the renewed focus on the notification procedure in the Single Market Strategy, as through early engagement, national measures can be revised to resolve issues before they occur; believes further that Member States should be required to provide more detailed justifications when introducing new regulatory measures; emphasises the positive experience with the notification procedure for products and suggests that this should be used as an example for improving the procedure for services;

33. Points out that public services benefit from special protection in relation to internal market rules because of the general interest tasks they fulfil, and that therefore the rules set by the public authorities for their proper operation do not constitute NTBs; points out, in this regard, that social services and health services are not subject to the Services Directive;

34. Points out that construction service providers are often confronted with certain requirements relating to their organisation in their home state, including with regard to organisational certification schemes, that make offering their services cross-border too complex, thereby discouraging the free movement of construction services and professionals;

35. Calls on the Commission to address these barriers, including, where worthwhile, through improved mutual recognition and, if appropriate, legislative action; highlights that future actions, such as the proposed services passport, should not lead to additional administrative burdens but should tackle NTBs;

36. Calls on the Commission to address the burdens related to the fractured banking sector in Europe which makes it difficult for non-residents, especially SMEs, to open a bank account in another Member State;

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37. Points out that some of the Member States' regulations on the access and exercise of regulated professions can be disproportionate and can therefore create unnecessary regulatory obstacles hindering access to some professions and the mobility of service providers in regulated professions; acknowledges, nevertheless, the importance of guaranteeing fair competition, the quality of training and supporting successful qualification systems;

38. Concurrs with the Commission's view that dual learning systems are to be recommended as examples of best practice within the European Union;

39. Welcomes the mutual evaluation exercise carried out in the last two years; believes that peer review processes which are well-designed and encourage frank debate amongst Member States can be effective in encouraging change; encourages the Member States and the Commission to extend this practice, in particular to other areas of single market regulation;

40. Calls on the Commission to address the reform priorities of Member States in the area of professional services in the context of the European Semester and country-specific recommendations on deregulating certain professions in the Member States;

*Single market for retail*

41. Highlights the peer review on retail establishment carried out by the Commission in 2014-2015, which showed that retailers often face disproportionate and inappropriate establishment and operating conditions and procedures in the single market;

42. Calls on the Commission and the Member States to accelerate the process of unlocking the potential for a complete Digital Single Market and the implementation of the EU Digital Agenda;

43. Points out that some Member States are introducing rules discriminating against economic activity in the retail or wholesale sectors on the basis of the surface area on which the activity is carried out, the size of the undertaking or the origin of the capital, which is inconsistent with the idea of the single market and the principles of free competition and restricts the development of the labour market;

44. Points out that regulations which impose restrictions on retail and wholesale activities and which run counter to EU law and are disproportionate can create significant barriers to entry, leading to fewer new outlet openings, hampering competition and leading to higher prices for consumers; underlines in this regard that some measures, including fees and inspection charges, may function as NTBs if they are not justified by public policy objectives; believes that all operational restrictions placed on retail or wholesale activities should not unduly or disproportionately restrict these activities, and must not lead to *de facto* discrimination between market operators;

45. Calls on the Commission to set out best practices on retail establishment to ensure free movement of products and services, whilst respecting the principles of proportionality and subsidiarity;

46. Calls on the Commission to analyse operational restrictions on retail and wholesale in the single market, bringing forward reform proposals where necessary, and to report on this analysis in the spring of 2017;

47. Stresses that accessible, affordable, efficient and high-quality parcel delivery is an essential prerequisite for a thriving cross-border e-commerce for the benefit of SMEs and consumers in particular;

**IV. Conclusions**

48. Calls on the Commission to present in 2016 a comprehensive overview of NTBs in the single market and an analysis of the means for tackling them, making a clear distinction between an NTB and regulations for implementing a legitimate public policy objective of a Member State in a proportionate manner, including an ambitious proposal to eliminate these NTBs as soon as possible in order to unleash the still untapped potential of the single market;

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49. Calls on the Commission to initiate a timely consideration of EU policy and legislative action in emerging areas, with wide stakeholder consultation, in particular SMEs and civil society organisations;
50. Calls on the Commission to first ensure that Member States respect the existing rules concerning the single market rather than creating new, additional pieces of legislation on matters already covered by the existing rules;
51. Calls on the Commission to deepen its work on enforcement and the principles which underpin the single market; believes that early intervention with regard to national measures or implementation procedures which constitute unjustified NTBs may be effective and results more readily achieved than through infringement proceedings; underlines, nevertheless, that for serious or persistent failures or misapplication of Union law, the Commission must use all available measures, including prioritising infringement procedures, to ensure full implementation of EU legislation on the single market;
52. Regrets that Parliament's access to relevant information relating to pre-infringement and infringement procedures is still limited and calls for improved transparency in this regard, with due respect for confidentiality rules;
53. Calls on the Member States to view the single market as a joint initiative which requires coordinated and collective maintenance and is a condition for making the EU economy competitive; believes that those who ultimately suffer the consequences of unjustified NTBs are consumers, who are denied access to new entrants to domestic markets, and face higher costs, inferior quality and reduced choice; considers that Member States should dedicate further time to horizontal single market concerns and to identifying areas requiring priority action by one or more Member States, in order to maintain and further the single market;
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54. Instructs its President to forward this resolution to the Commission, the Council, the European Council and the governments and parliaments of the Member States.
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P8\_TA(2016)0237

## The Single Market Strategy

### European Parliament resolution of 26 May 2016 on the Single Market Strategy (2015/2354(INI))

(2018/C 076/18)

*The European Parliament,*

- having regard to Article 3 of the Treaty on European Union (TEU) and Article 9 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council <sup>(1)</sup>,
- having regard to the Commission communication of 28 October 2015 entitled ‘Upgrading the Single Market: more opportunities for people and business’ (COM(2015)0550),
- having regard to the Commission staff working document of 28 October 2015 entitled ‘A Single Market Strategy for Europe — Analysis and Evidence’ (SWD(2015)0202),
- having regard to the Commission staff working document of 28 October 2015 entitled ‘Report on Single Market Integration and Competitiveness in the EU and its Member States’ (SWD(2015)0203),
- having regard to the Commission communication of 6 May 2015 entitled ‘A Digital Single Market Strategy for Europe’ (COM(2015)0192),
- having regard to the Commission communication of 13 April 2011 entitled ‘Single Market Act — Twelve levers to boost growth and strengthen confidence — “Working together to create new growth”’ (COM(2011)0206),
- having regard to the Commission communication of 3 October 2012 entitled ‘Single Market Act II — Together for new growth’ (COM(2012)0573),
- having regard to the report of 9 May 2010 by Mario Monti to the President of the Commission entitled ‘A New Strategy for the Single Market — At the Service of Europe’s Economy and Society’,
- having regard to its resolution of 11 March 2015 on Single Market governance within the European Semester 2015 <sup>(2)</sup>,
- having regard to its resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors <sup>(3)</sup>,
- having regard to its resolution of 19 January 2016 on Towards a Digital Single Market Act <sup>(4)</sup>,
- having regard to its resolution of 14 January 2014 on effective labour inspections as a strategy to improve working conditions in Europe <sup>(5)</sup>,

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

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0069.

<sup>(3)</sup> Texts adopted, P7\_TA(2013)0580.

<sup>(4)</sup> Texts adopted, P8\_TA(2016)0009.

<sup>(5)</sup> Texts adopted, P7\_TA(2014)0012.

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- having regard to the study of September 2014 entitled ‘The Cost of Non-Europe in the Single Market’, commissioned by the Committee on the Internal Market and Consumer Protection,
  - having regard to the study of September 2015 entitled ‘A strategy for completing the Single Market: “the trillion euro bonus”’, commissioned by the Committee on the Internal Market and Consumer Protection,
  - having regard to the study of 20 November 2015 entitled ‘Ex-post evaluation of Late Payment Directive’, commissioned by the Commission,
  - having regard to the study of November 2014 entitled ‘The EU furniture market situation and a possible furniture products initiative’, commissioned by the Commission,
  - having regard to the October 2015 edition of the online Single Market Scoreboard,
  - having regard to Rule 52 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 (A8-0171/2016),
- A. whereas the single market has been, and remains, the cornerstone of EU integration and the engine of sustainable growth and jobs by facilitating trade across the EU while guaranteeing a highly competitive social market economy based on Article 3(3) of the TEU;
- B. whereas the deepening of the European internal market remains a key economic issue, especially in the context of the development of new technologies, where a market with critical mass is needed to promote the emergence of innovative and competitive players on the global scene;
- C. whereas the single market has undergone many positive developments in recent years, but could achieve more in almost all areas — in stimulating a digital-driven market, encouraging start-ups, integrating global supply chains, improving workers mobility and social rights, dealing with new business models and ensuring market facilitation, mutual recognition, standardisation and the licensing of professionals –if unjustified physical, legal and technical barriers are eliminated;
- D. whereas, according to Parliament’s own research, the anticipated gain from completing the single market stands at a trillion euros (corresponding to a potential efficiency gain of EUR 615 billion per year); whereas fragmentation of the single market is one of the major impediments to higher structural economic growth;
- E. whereas a genuinely strategic approach is called for the further integration of the single market, and whereas the response to the challenges faced should be political as much as technical in nature, particularly in the case of unjustified non-tariff barriers within the single market;
- F. whereas the EU should pursue a genuine single market and treat it as a common asset of all citizens, workers, economic operators and Member States, and whereas the single market will only reach its full potential if it has the full support of all Member States in collaboration with each other;
- G. whereas rules and actions at EU level should be incorporated into a uniform strategic vision and thus be consistent with each other and not contradictory; whereas 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, making it difficult for businesses to establish themselves in a given Member State, which constitutes a clear breach of internal market principles;

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- H. whereas the single market must not be seen in isolation from other horizontal policy areas, particularly the digital single market, health, social and consumer protection, labour law and mobility of citizens, the environment, sustainable development, energy, transport and external policies;
- I. whereas the completion of the single market in the product and services sector and the removal of barriers is a top priority which requires fast-track approach from Member States and the EU institutions;
- J. whereas barriers in the single market lead to less choice and more expensive products and services for consumers;
- K. whereas a low level of recognition is enjoyed by social economy enterprises at European level, and whereas most of these enterprises are not recognised by a European-level legal framework, but only at national level in some Member States, with different legal forms; whereas this lack of an EU legal framework hinders the capacity of such enterprises to operate cross-border within the internal market;
- L. whereas counterfeiting is a serious threat to public health and safety, and whereas the total value of counterfeit goods trafficking has increased significantly in recent years, exacerbating the devastating impact of counterfeiting on innovation, employment and the branding of European companies;
- M. whereas the creation of a single capital market would encourage greater cross-border risk-sharing and more liquid markets;
- N. whereas the summary report of the Commission consultation on geo-blocking reveals strong consumer support for legislative measures against geo-blocking;
- O. whereas the economic consequences of the financial crisis are still being felt and GDP remains below the 2008 level in several Member States;
- P. whereas the single market is characterised by persistently high unemployment rates; whereas since the financial crisis the number of unemployed has increased by over six million; whereas by the end of 2015 there were more than 22 million people in the Union without work;

***Policy objectives***

1. Supports the overall objectives of the Commission's Single Market Strategy for goods and services: 'Upgrading the Single Market: more opportunities for people and business', and appreciates its actions in key areas to unleash the full potential of the single market for the benefit of consumers, employees and businesses, in particular start-ups, to increase the number of sustainable jobs and to grow and develop SMEs; encourages the Commission to develop cross-cutting policies designed to achieve a fairer and more competitive single market in line with Title II of the TFEU on provisions having a general application;
2. Notes that the establishment of the internal market in which the free movement of goods, persons, services and capital is ensured is an essential objective of the Union;
3. Welcomes the fact that the strategy seeks to complement the efforts made in other areas; believes that, by improving the initiatives already being taken, the strategy has good potential to help ensure economic prosperity, increase the creation of sustainable jobs and growth, improve the wellbeing of Europeans by practical measures, make the European Union attractive for investments and develop the global competitiveness of European businesses; stresses, however, the need in the implementation of this strategy to avoid inconsistencies and overlaps between the different initiatives; underlines that proposals should be evidence-based and in line with better regulation principles;
4. Underlines the urgent need to eliminate the unjustified barriers from the single market in order to achieve tangible and quick results in terms of competitiveness, sustainable growth, research, innovation, job creation, consumer choice and new business models; believes that in order to achieve these goals, we should strive towards more harmonisation of legislation, where necessary and appropriate, while preserving the highest possible level of consumer protection, and adopt appropriate actions to tackle unjustified barriers established by Member States;

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5. Is of the opinion that the mid-term review of the EU's 2020 Strategy should set ambitious targets for reaching a highly competitive social market economy and sustainable growth by 2020; stresses that the single market should be central in achieving that goal;
6. Calls on the Commission and the Member States to be innovative in the implementation of the single market legislation; stresses the great potential of labour-intensive sectors such as retail and the hospitality industry for job creation, integration and tackling youth unemployment;
7. Considers that the Monti report of 2010 entitled 'A new strategy for the single market' should be fully implemented and taken into account during the work on the Single Market Strategy;
8. Stresses that the Single Market Strategy must not disregard the potential of the industrial sector in terms of sustainable growth and quality employment in Europe;
9. Considers that internal demand — and especially improving purchasing power, the adoption of innovative measures and investment in the green economy — is essential for tapping the full potential of the single market and for promoting sustainable growth;

#### ***A modern and more innovative single market***

10. Welcomes the strategy's focus on aspects aimed at helping businesses, in particular SMEs, micro-enterprises and start-ups, to scale up their activities, grow and stay in the single market, thus facilitating their innovation and job creation; underlines that all initiatives for SMEs and start-ups require immediate actions and should be treated as a priority, but recalls that these initiatives should not provide opportunities for dishonest businesses to circumvent existing rules, lower workers' and consumer standards, or increase the risk of corporate fraud, criminal activities and letterbox companies;
11. Takes the view that the strategy can offer fresh opportunities to SMEs which are the backbone of EU economies, and to micro-enterprises and innovative start-ups; believes that developing the right business environment by improving private venture capital frameworks for SMEs, facilitating access to finance, producing sound legislation and fully applying the 'Think Small First' principle across the single market is crucial and could support growth and job creation;
12. Believes that the lowering of administrative burdens and compliance costs on businesses, especially SMEs, and repealing unnecessary legislation, while continuing to ensure high standards of consumer, employee, health and environmental protection is key to delivering the objectives of the strategy;
13. Believes that it is necessary to consider a set of possible objective criteria and indicators for a definition of 'innovative' start-ups, SMEs and social economy enterprises that can be used as a point of reference for the adoption of related measures; calls on the Commission to propose such criteria and indicators;
14. Stresses that there is a need to promote social economy enterprises within the internal market policies, bearing in mind that there are around 2 million social economy enterprises in the EU, accounting for approximately 10-12 % of all European businesses; stresses, moreover, that the social economy is rapidly growing, provides quality products and services, and creates high-quality jobs;
15. Calls on the Commission to ask the REFIT platform to address barriers to innovation and put forward proposals, in addition to the proposal for the establishment of a European Innovation Council, for ways to reduce or remove them; stresses that this process must not lead to lower employment, consumer protection and environmental standards; believes that in order to ensure better regulation, existing legislation should be reviewed and, where necessary, simplified to make it fit for purpose, while all new legislation should be future-proof and digital by default and follow the 'Think Small First' principle;

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16. Notes that good regulation can benefit businesses and workers alike and help promote economic growth and quality employment in the single market; notes the Commission's Better Regulation agenda including the strengthened stakeholder involvement by means of REFIT Platform for example and strengthened impact assessments; underlines the need to assess not only short-term effects but also the long-term value of legislation and the consequences of non-legislation; believes that better, more effective and simple legislation will reduce administrative burdens and boost growth and job creation while continuing to ensure high standards of consumer, employee, health and environmental protection;

17. Considers that further development of the single market requires the elimination of barriers to trade between Member States; supports the European Declaration of Competitiveness of February 2016, in particular the commitment to regulatory simplification and burden reduction, to doing more to reduce the overall burden of EU regulation, especially on SMEs and microenterprises, and to establishing where possible burden reduction targets in specific sectors; recommends that work on establishing such burden reduction targets should commence immediately;

18. Believes that in order to ensure the objectives of the single market and to generate growth and jobs, the EU must enhance competitiveness, along the lines set out in the Declaration of the European Council on competitiveness;

19. Welcomes the Commission's determination to address the lack of tax coordination within the EU, in particular the difficulties faced by SMEs as a result of the complexity of differing national VAT regulations; extends its full support to the Commission with regard to the VAT reform; calls on the Commission to consider how the new rules concerning place of supply for VAT on digital services can be amended so as to accommodate the specific needs of small and micro-businesses; calls on the Commission to assess the feasibility of further coordination and, in particular, to assess the possibility of a simplified VAT approach (for the same category of goods) in the e-commerce sector;

20. Supports the Commission's efforts to ensure tax fairness in the European Union and combat aggressive tax planning and tax avoidance practices; calls on the Commission to focus on working towards a country-by-country reporting obligation for transnational corporations;

21. Draws attention to the difficulties faced by businesses, and in particular SMEs and start-ups, in securing funding; points out that differences in external factors, such as ease of access to credit, taxation regimes and labour regulations, mean that SMEs find themselves at a disadvantage compared to others; calls on the Commission, while continuing the valuable support provided to those companies through the European Fund for Strategic Investments (EFSI) and programmes such as Horizon 2020, COSME and the ESI funds, to explore ways of further facilitating access to these and other programmes and instruments, especially for micro-enterprises, for instance by reducing calls for applications to six-month periods and further simplifying the relevant procedures and increasing the visibility of European funding; welcomes the Commission's intention to use funds from the COSME programme to fund information campaigns targeting innovative young SMEs; invites all regional and local authorities responsible for supporting companies, particularly those involved in the Enterprise Europe Network, to participate in these campaigns; considers simplification to be the key enabler in SME and start-up access to funding; calls on the Commission to make sure that crowdfunding can be done seamlessly across borders;

22. Calls on the Commission to consider strengthening the SME Envoy Network by taking a series of actions — while avoiding further bureaucracy — to improve awareness of this tool, and its visibility, among SMEs, to strengthen the exchange between each national SME Envoy and the corresponding SME representatives, and to present the network's activities to Parliament once a year;

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23. Points out that, despite the fact that the European Parliament adopted the directive on combating late payment in commercial transactions in February 2011, each year thousands of SMEs and start-ups across Europe go bankrupt while waiting for their invoices to be paid, including by national public administrations; calls on the Commission and the Member States to step up their efforts to facilitate the application and enforcement of the Late Payment Directive; calls, furthermore, on the Member States to consider, in the event of unsatisfactory implementation of the Late Payment Directive, forms of adequate compensation for companies owed money by a public administration, so that they are not forced to go bankrupt because of it;

24. Appreciates the legislative initiative on business insolvency, including early restructuring and second chances, which will ensure that Member States provide a regulatory environment that accepts that failure sometimes happens and can encourage innovation, but points out that the costs and consequences of failing companies affects not only the company's owner and shareholders, but also its creditors, its employees and taxpayers; calls on the Commission to ensure that this initiative will align insolvency proceedings across the EU and reduce the length and costs of proceedings;

25. Regrets that the Commission did not emphasise enough the specific role of traditional manufacturing by Crafts and SMEs as an important contribution to both competitiveness and economic stability in Europe; encourages the Commission to exploit the full potential of digitalisation and innovation of the manufacturing industry, in particular for micro and small manufacturers and start-ups, as well as for less industrialised regions, in order to help reduce regional disparities and revitalise local economies; believes that stronger SMEs and Crafts policy must be put forward as one of the top priorities of all the European Institutions and Member States over the coming years;

26. Welcomes the Commission's Single Digital Gateway, which should build on existing Points of Single Contact (PSCs) set up under the Services Directive and connect PSCs to other similar single-market networks; calls on the Commission to explore all ways of making the best use of the Single Digital Gateway to help European start-ups to scale up across Europe and become more international in outlook by providing accurate and clear information in different languages on all procedures and formalities necessary to operate domestically or in another EU country; urges the Commission to create a single entry point for businesses and consumers to all single-market-related information, assistance and problem-solving and to the national and EU-wide procedures needed to operate cross-border in the EU; urges the Commission to ensure that they are swiftly implemented;

27. Notes that companies, especially SMEs, are either not aware of the rules applicable in other Member States or experience difficulty in finding and understanding the information on the rules and procedures applicable to their business; calls on the Commission to interlink all the different portals, access points and information websites in a single gateway that will provide SMEs and start-ups with user-friendly information so that they can make well-informed decisions and save time and costs;

28. Calls on the Commission to develop the Points of Single Contact from a regulatory portal into a system of fully fledged online business portals promoting regular exchange of information by and between business representatives and assisting national businesses and citizens to compete in other EU Member States;

29. Recalls the importance of strengthening and streamlining existing single market tools for SMEs in order to simplify their cross-border expansion; urges the Commission and the Member States to place greater emphasis on streamlining and improving Product Contact Points and Points of Single Contact;

30. Recalls the urgent need to provide consumers with an equivalent level of protection online and offline; stresses the need for all economic operators operating online and offline in the single market to take all reasonable and appropriate measures to fight counterfeiting, in order to ensure consumer protection and product safety;

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31. Emphasises that the sharing economy is growing fast and that, while changing the way that many services and assets are provided and consumed, it can steer innovation and has the potential to bring additional benefits and opportunities for companies and consumers in the single market; highlights the economic, societal and environmental benefits and challenges of the sharing economy; calls on the Commission to coordinate the efforts of Member States in finding short- or long-term legislative solutions vis-à-vis the sharing economy; calls on the Commission and the Member States to come forward with proposals to prevent abuse in the employment and taxation areas in the sharing economy;

32. Welcomes the initiative announced by the Commission on the sharing economy, and its intention to look at businesses established in that sphere and to clarify, by means of guidance, the interaction between the provisions of existing EU law for the application and functioning of sharing economy business models; takes the view that regulatory intervention in this field should be characterised by flexibility, to enable the rules to be promptly adapted and enforced in a rapidly changing sector which calls for fast and effective adjustments; stresses that existing consumer protection standards must also be applied and enforced in the digital economy; calls on the Commission to ensure the best possible conditions for the sharing economy to develop and thrive;

33. Stresses that the new security features the sharing economy provides, such as security of payments, geolocalisation and insurance, empower consumers and therefore call for an assessment of where ex-post remedies might be more effective than ex-ante regulations; calls on the Commission to further promote public-private cooperation in order to address the existing barriers in the sharing economy, in particular to the increased use of digital identity to build consumer trust in online transactions, to the development of digital solutions for the payment of taxes, to providing cross-border insurance schemes, and to the modernisation of employment legislation;

34. Considers that, in the sharing economy, the development of new business models, innovative services and temporary use of assets should be encouraged, but based, where possible, on similar rules for similar services, with a view to safeguarding the high quality of services, independently of how their access and provision is organised and to ensuring a level playing field and consumer safety while avoiding fragmentation that would hamper the development of new business models; believes that only a single-market approach can be taken with regard to the sharing economy, as fragmentation of the single market through local or national rules prevents European companies in the sharing economy from scaling up at European level;

35. Draws attention to the important role of EU technical standards for innovation, competitiveness and progress in the single market; believes that timely action needs to be taken to develop high EU standards for quality, interoperability and safety in furtherance of EU industrial policy, and that those standards should also be promoted at international level; calls on the Commission to support and reinforce EU standards, as already provided for by Regulation (EU) No 1025/2012, and to make the framework for standardisation more efficient and fit for purpose, including by exploiting the opportunities offered by international trade negotiations; stresses that standards should be set in a market-driven, open, inclusive and competitive way in order to be easily implementable by SMEs, and to avoid the risk of closed value chains, while nonetheless avoiding delays in their publication;

36. Underlines the important role played by the standardisation system in the free circulation of products and, increasingly, services; notes that the voluntary use of standards has contributed between 0,3 and 1 % to GDP in Europe, and positively benefits labour productivity;

37. Recalls that the vast majority of standards are developed in response to an industry-identified need, following a bottom-up approach in order to ensure the market relevance of the standards; supports the commitment contained in the Single Market Strategy to ensuring that Europe remains at the forefront of standards development globally; encourages standardisation which is compatible with an international approach either through the development of global international standards or the recognition of equivalent international standards where appropriate; notes the intention to establish a framework and priorities for standardisation activities under a Joint Initiative for Standardisation; calls on the Commission

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to ensure that the Joint Initiative remains driven by such a bottom-up, industry-identified need and thus prioritises and delivers only those standards which respond to identified needs and demonstrate market relevance, and does not lead to unnecessary standards being pursued or requirements inconsistent with other related standards being established;

38. Notes that the proposal for a Joint Initiative on European Standardisation will build on the Independent Review of the European Standardisation System, and supports its objective for the European standardisation community to develop actions that will improve the system as a whole, including recommendations regarding inclusiveness and support for the competitiveness of European business;

39. Calls on the Commission in its engagement with European Standardisation Organisations (ESOs) to support ESOs and their national counterparts in their efforts to improve the involvement of SMEs in both the standard-setting process itself and the take-up of standards once set; further encourages the Commission to work closely with ESOs, National Standards Bodies and others to improve the transparency of the standards process, in implementation of commitments contained in the work programme for European standardisation for 2016 and the underlying Regulation;

40. Considers that the Joint Initiatives should focus on continued improvements in working practices, in particular through the establishment of processes to review the composition of technical committees, and measures to promote an openness and inclusiveness that will allow a broad range of stakeholders to contribute to discussions in technical committees;

41. Considers that a more transparent and accessible appeals mechanism would build trust and improve standard-setting processes; believes that where a standard has been requested by the Commission following the adoption of legislation by the European Union, Parliament's relevant committee may be able to play a role in public scrutiny and debate as part of this process, in advance of a decision for formal objection if appropriate; emphasises that when determining standardisation requests to be given to standardisation bodies, principles of proportionality and a risk-based approach should be included;

42. Believes that increasing public awareness of proposed standards in draft form prior to final approval may increase accountability and transparency and provide for a more robust process, in line with the existing best practices found among the European standardisation community;

43. Invites the Commission to report to Parliament by the end of 2016 on its implementation of the Joint Initiative on European standardisation, and the progress that has been achieved in cooperation with the European standardisation community on the recommendations contained in the 2016 annual Union work programme;

44. Calls on the Commission, being responsible for competition in the EU internal market, to ensure, in cooperation with national surveillance authorities, a level playing field among competitors operating on the market;

45. Welcomes the recent initiatives for more efficient and transparent public procurement through better use of procurement data and greater voluntary assessment of procurement in certain large-scale infrastructure projects; calls on the Member States to cooperate with the Commission in implementing these initiatives;

46. Hopes that the Commission will continue the process of reforming the public procurement system, which it began with the 2014 directives, moving towards an increasingly qualified demand in the area of procurement, with the aim of rewarding technological innovation and energy efficiency;

47. Notes that the new 2014 public procurement regime is less cumbersome, and includes more flexible rules to better serve other public sector policies as well as Member States and local specialist businesses; points out that there are still significant inefficiencies in public procurement across Member States that limit cross-border expansion and growth in domestic markets;

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48. Welcomes, as a matter of principle, the initiatives announced by the Commission to increase transparency, efficiency and accountability in public procurement; stresses, however, that the implementation and application of new EU directives should take precedence over the introduction of new instruments such as the contract register; stresses in this connection that possible data analysis tools must not lead to new or additional reporting requirements; recalls that an ex-ante evaluation mechanism should be purely voluntary for large infrastructure projects;

49. Underlines the need for a fully electronic public procurement system; highlights the need for fast and comprehensive implementation of the Public Procurement Directive in its entirety; highlights the need for wider use of e-procurement to open the markets for SMEs;

50. Underlines the importance of the unitary patent; supports the Commission's intention to eliminate uncertainties as to how the unitary patent will coexist with national and supplementary protection certificates (SPCs), as well as the possible creation of a unitary SPC, whilst keeping in mind public health and patients' interests;

51. Urges the Commission to introduce and implement before 2019 an SPC manufacturing waiver to boost the competitiveness of the European Generics and Biosimilar Industry in a global environment, as well as to maintain and create additional jobs and growth in the EU, without undermining the market exclusivity granted under the SPC regime in protected markets; believes that such provisions could have a positive impact on access to high-quality medicines in developing and least developed countries and help to avoid the outsourcing of production;

52. Calls for measures to facilitate access to the patent system in Europe for all micro-enterprises and SMEs and start-ups that wish to use the European patent with unitary effect in innovating their products and processes, including by cutting application and renewal fees and providing translation assistance; emphasises the importance of both standard-essential patents (SEPs) and innovative open licensing solutions which sometimes are better suited to supporting innovation; stresses the importance of patent licensing agreements, within the restraints of EU competition law, based on fair, reasonable and non-discriminatory (FRAND) terms in order to preserve R&D and standardisation incentives, foster innovation and ensure fair licensing conditions;

53. Calls on the Commission to present without delay a legislative proposal for the establishment of a single European system for the protection of geographical indications for non-agricultural products in the EU, as already called for by Parliament, with the aim of establishing a single European system and thus putting an end to an inadequate and highly fragmented situation in Europe, and offering many and varied positive effects for citizens, consumers, producers and the whole European economic and social fabric; stresses that such an instrument would explicitly highlight the added value of many local products, with obvious benefits for the producers and regions concerned and in terms of consumer awareness;

54. Notes that the full potential of public-private partnerships (PPP) has not yet been harnessed in the majority of EU Member States; calls for the harmonisation of Member State framework rules on PPP, the dissemination of best practices and the promotion of this model;

55. Calls on Member States to set up structures to advise and assist cross-border workers with regard to the economic and social consequences of working in another Member State;

56. Notes that the deepening of the single market and the digital single market can bring new opportunities and challenges and will raise questions in terms of skills, new forms of employment, financial structures, social protection, as well as health and safety at work, all of which will have to be addressed and must bring benefits to workers, businesses and consumers alike;

57. Regrets that the strategy does not devote particular attention to skills mismatches, which remains a barrier to growth in the single market; notes with concern that between 40 %- 47 % of the population in the EU is insufficiently digitally skilled and that the demand for digitally skilled employees is growing by 4 % per year while public expenditure on education has seen a 3,2 % decrease since 2010, which poses a threat to the EU's competitive position in the medium term

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and to the employability of its labour force; encourages Member States to invest in digital education and skills;

58. Notes the aims of the labour mobility package to contribute to a deeper and fairer single market; stresses however the importance of ensuring that measures contained in this package are proportionate and take into account the consequences of large amounts of mobility to particular regions;

59. Highlights the Commission's support for dual education systems which in addition to facilitating personal development can help tailor the skills and qualifications of European workers more closely to the real needs of the labour market; stresses the importance of ensuring that the strategy does not in any way undermine dual education systems while ensuring the quality of apprenticeships and in particular employment protection; underlines the important role of social partners in the development of dual education systems; believes that while a dual education system used in one Member State cannot be simply copied by another Member State there should be a European focus on the strong correlation between dual education and youth employment;

60. Supports measures in favour of closing the gaps in EU anti-discrimination legislation in employment especially with regard to people with disabilities; supports, in addition, the implementation without delay of Council Directive 2000/78/EC on equal treatment in employment and occupation;

61. Welcomes the establishment of a platform for combating undeclared work and encourages Member States and social partners in particular to engage fully with that platform so that more effective action may be taken against undeclared work and bogus self-employment;

62. Insists that in order to harness the opportunity arising from the digitalisation of jobs, there is a need to create secure flexible working time arrangements, stable working conditions, social protection and to facilitate 'smart working' to improve productivity and work-life balance; stresses the importance of rolling out digital infrastructure in rural areas in this regard in order to take advantage of the wide range of opportunities offered by the digital agenda, for example teleworking;

63. Highlights the importance of strong and independent social partners and effective social dialogue; emphasises the need to involve the social partners where appropriate in discussions on possible national reforms of regulated professions;

64. Stresses the importance of having a social dialogue about the opportunities and changes that a single market brings as regards employment;

### ***A deeper single market***

65. Calls on the Commission to deepen its work on enforcements; points out that many measures have already been adopted but are not yet properly enforced, thus undermining the level playing field in the single market; points out, furthermore, that according to data provided by the Commission in mid-2015, around 1 090 infringement proceedings were pending in the area of the single market; calls on the Commission, with a view to improved transposition, application and enforcement of single market legislation, to ensure that administrative coordination, cooperation and enforcement are prioritised at all levels (EU, and between Member States and national, local and regional authorities) by taking well-targeted enforcement actions based on transparent, objective criteria, ensuring that the most economically significant cases of unjustified or disproportionate barriers are addressed; believes that with regard to national measures or implementation early intervention may be more effective and better results achieved than through infringement procedures; stresses, nevertheless, that if the early intervention procedure does not give results, the Commission must use all available measures, including infringement procedures, to ensure full implementation of legislation on the single market;

66. Welcomes the intention in the strategy to create a compliance culture and continued zero tolerance of infringements of single market regulations; calls on the Commission and Member States to explore whether the Commission's powers under the infringement procedures should not be aligned with those it has under competition policy;

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67. Calls on the Commission to further support the Member States in developing a strong culture of compliance and enforcement, including promoting and broadening the Internal Market Information System (IMI), developing implementation plans for new major legislation, organising compliance dialogues with Member States and training courses for national public servants in charge of enforcement, and fostering more effective coordination between national regulators; calls on the Member States to fully commit to implementing and enforcing EU legislation and applying the mutual recognition principle; stresses that correct enforcement and better regulation are essential, given the fragmentation of the single market, which restricts economic activity and consumer choice, and should cover all business sectors and apply to existing and future legislation;

68. Calls on the Commission and the Member States to analyse unnecessary restrictions within the single market that are not justified by overriding reasons relating to the public interest, to bring forward ideas on how to overcome these challenges where necessary and to report on this in 2017;

69. 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, 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 an adequate policy towards those Member States that fail to apply internal market rules properly and to do so, where appropriate, by means of infringement procedures and by speeding up those procedures using a fast-track approach;

70. Notes that consistent uniform application and proper enforcement of EU rules combined with regular monitoring and evaluation on the basis of qualitative and quantitative indicators, benchmarking and sharing of best practices is urgently needed to achieve more homogeneous implementation of existing single market legislation; recalls, therefore, the need to fully and thoroughly transpose and implement European rules concerning the functioning of the single market in all Member States;

71. Calls on the Commission to strengthen its efforts to identify possible infringements of EU law by Member States at a very early stage and to take a firm stance against any legislative measures, adopted or pending in national parliaments, that could increase the fragmentation of the single market;

72. Stresses that the commitment and willingness of the Member States to properly implement and apply EU law is essential to making the single market successful; calls on the Member States to remove unjustified and disproportionate barriers to the single market and to refrain from discriminatory and protectionist measures to foster jobs, growth and competitiveness;

73. Notes that Member States play a crucial role in the good governance and proper functioning of the single market, and that they therefore need to jointly exercise proactive ownership and management of the single market, generating a new political impetus through consolidated state-of-health reports on the single market, regular and thematic discussions at Competitiveness Council meetings, dedicated annual European Council meetings and the inclusion of the single market as a pillar of governance in the European Semester;

74. Reiterates that the EU could create its own set of scientifically based, independent indicators on the degree of integration of the single market, to be published as part of the Annual Growth Survey, and calls for the adoption of a strategic paper by the presidents of certain EU bodies — a 'Five-Presidents Report' — to map the road to a genuine single market;

75. Stresses that Parliament's Internal Market and Consumer Protection Committee must strengthen its ties with national parliaments in order to coordinate and address issues in relation to the transposition and implementation of single market rules;

76. Emphasises that it is necessary to reinforce the SOLVIT network, particularly by extending the interaction between SOLVIT, CHAP, EU Pilot and Enterprise Europe Network (EEN) to streamline the broader framework of EU complaint procedures, and to raise awareness of the network amongst citizens and SMEs and of its practical role in solving interpretation problems relating to the single market; considers that data on issues raised through the SOLVIT network

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should be taken into account when the Commission considers how to identify priorities for enforcement action; calls on the Commission to strengthen its efforts to help Member States solve the most problematic cases; calls on the Member States to appropriately equip and adequately position their national SOLVIT centres in order for them to fulfil their role;

77. Emphasises that transparency of national rules is a vital tool in enabling cross-border trade within the single market and helps identify non-tariff barriers; encourages the Member States to make their rules more easily available online and in more than one language, in the interests of increasing trade, which will be of benefit to all;

78. Notes the importance of promoting mobility through training, apprenticeships, skills and employability via programmes such as Erasmus+ and EURES, which provide opportunities for millions of EU workers to gain useful experience;

79. Regrets that the mutual recognition principle is not applied properly by many Member States; anticipates the Commission proposal from this point of view, as part of strengthening the single market in goods, as it will improve mutual recognition through action to increase awareness, as well as ensuring better application and enforcement of the mutual recognition principle through the revision of the Mutual Recognition Regulation, with a view, among other things, to improving instruments for resolving disputes in connection with inadequate implementation or application of the mutual recognition principle; emphasises that if the mutual recognition principle was applied properly by the competent authorities throughout the EU, businesses would be able to focus strictly on doing business and boosting the EU's growth and not on striving to overcome various hurdles imposed by non-respect of mutual recognition by Member States;

80. Considers also that the Commission should be more proactive in identifying sectors with high potential for cross-border trade and digitalisation where the mutual recognition principle could apply;

81. Calls on the Commission to clarify how the proposed market information tools would work and the legal base for such tools;

82. Reiterates its call for the rapid adoption of the Product Safety and Market Surveillance Package by the Council and calls on the Commission to fully engage in its role as a solution facilitator in this context; underlines the importance of providing relevant information on retail products, in particular the indication of country of origin, which is crucial to protecting consumers and strengthening the fight against counterfeiting;

83. Calls on the Commission and the Member States to tighten up the penalties for counterfeiting and to make sure that EU legislation in this area is fully enforced;

84. Stresses that regulatory differences between Member States regarding differing labelling or quality requirements create unnecessary obstacles to the activities of suppliers of goods and to consumer protection; underlines the added value of eco-labelling; calls on the Commission to assess which labels are essential and which are not essential for ensuring consumer information and to consider introducing a mandatory scheme for the provision of key information for hand-made and industrial products, as has been considered, for example, in the furniture sector at EU level in order to provide consumers with key information and ensure equal product quality in the different Member States; considers that such an initiative would be beneficial for consumers, industries and trade operators, ensuring transparency, adequate recognition of European products and harmonised rules for operators in the single market;

85. Emphasises, in respect of the single market in services, that there is a clear need to improve the cross-border provision of services, while taking care not to encourage social dumping; urges the Member States to ensure proper and more effective application of the Services Directive, while avoiding the practice of gold-plating; welcomes the Commission

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proposal to improve notification under the Services Directive as the current procedure is inefficient and not transparent; believes that notification should occur earlier in the legislative process to allow for timely feedback from stakeholders and Member States and to minimise delays in the adoption of new legislation; agrees to extend the notification procedure provided for in Directive (EU) 2015/1535 to all the sectors not covered by that directive; rejects any suggestion that the scope of the Services Directive should be extended; calls on the Commission to address the burdens on the fractured banking sector in Europe, which create difficulties for non-residents, especially SMEs, in opening a bank account in another Member State;

86. Calls on the Commission to work towards a simplified and standardised form in the procedure for the cross-border provision of services in order to integrate SMEs more effectively into the internal market;

87. Points out that the requirements for proportionate regulation are clearly set out in Article 16, paragraph 1, of the Services Directive and the jurisprudence of the ECJ; recalls that the fact that one Member State imposes less strict rules than another does not mean that the latter's rules are disproportionate and hence incompatible with European Union law; reiterates that rules that undermine, hinder or make unattractive cross-border services are only compatible with the requirements of the internal market if they serve overriding reasons of public interest and are really suitable for this purpose, and do not adversely affect the freedom to provide services more than is necessary to protect the public interest issue they are seeking to serve;

88. Emphasises the need to ensure consistent proportionality assessment of regulatory requirements and restrictions applicable to services; notes the Commission proposal to introduce a services passport to facilitate, in key economic sectors such as business services, the development and mobility of companies across the single market; considers that this initiative should be aimed at simplifying administrative procedures for service providers wanting to operate cross-border and authorities, and at addressing obstacles of a regulatory nature that discourage these companies from entering a market in another Member State; calls for the possible services passport to take its place among the series of horizontal tools aimed at supporting internal market legislation, such as the Internal Market Information System (IMI) or the Points of Single Contact, which have been provided for by the Services Directive as a single administrative interface for dealing with all the necessary administrative procedures surrounding cross-border services activities; stresses that the introduction of a service passport must not lead to a situation in which the case-law developed by the ECJ on overriding reasons of public interest which can legitimise rules restricting the cross-border movement of services is weakened or repealed; underlines, however, that a services passport could be superfluous if the Services Directive were properly implemented and enforced; stresses that this must not be accompanied by the introduction of the country-of-origin principle;

89. Welcomes the strong focus on the role of services in the single market and making sure that professionals and service companies, especially retailers, are not locked into their national markets; stresses that the further enlargement of the professional and services passports schemes will be central to avoiding the unnecessary red tape between Member States that holds back our citizens from working and trading across borders;

90. Reiterates the importance of removing barriers (including language and administrative barriers 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; emphasises the importance of eliminating operational restrictions on the exercise of retail activity such as the regulation of shop opening hours, retail-specific and selective taxes and disproportionate requesting of information from companies;

91. Acknowledges the competence of local authorities with regard to urban planning; stresses, however, that urban planning should not be used as a pretext to circumvent the right of free establishment; recalls, in this connection, the importance of proper enforcement of the Services Directive; urges the 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;

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92. Underlines that the retail and wholesale sector is the largest business sector in Europe; considers that reducing unnecessary regulatory administrative and practical barriers to retail businesses is a priority;

93. Calls on the Commission and the 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 benefit fully from the internal market; considers that retail market legislation should be evidence-based, taking into account the needs of the sector;

94. Calls on the Commission and the Member States to analyse unnecessary restrictions on retail establishment in the single market that are not justified by overriding reasons relating to the public interest, to bring forward proposals to overcome these problems where necessary, and to report on that in spring 2017;

95. Takes the view, in respect of the professional services sector, that different approaches to regulation do not per se constitute an obstacle to the deepening of the internal market; stresses that rules on access to, and the exercise of, professions may be necessary for the protection of public interest and consumer protection and that their evaluation makes sense only in the national context;

96. Agrees with the Commission that many of the Member States' regulations on access to, and exercise of, regulated professions are disproportionate to requirements and create barriers restricting access to those professions;

97. Considers that cross-border provision of services on a temporary basis, including professional services, should be considered a key element for the internal market as they create jobs and provide high-quality products and services to EU citizens; therefore considers the periodic guidance to be a useful instrument for the Member States, taking into account the different economic, geographical and social backgrounds of the Member States;

98. Welcomes the renewed focus, under the recent Single Market strategy, on regulated and liberal professions in Europe, which represent an important factor for growth and employment in the single market; calls on the Commission to propose specific measures to implement the recommendations of the Commission Working Group on 'Action Lines for Bolstering the Business of Liberal Professions';

99. Welcomes the Commission's legislative proposal to address regulatory barriers restricting access to certain professions as an important step in opening up the single market and fostering job growth;

100. Supports the Commission's initiative to review the regulated professions, but points out that any such exercise should maintain high quality standards for employment and services, sound qualifications and consumer safety;

101. Believes that without competitive professional and business services across the EU businesses may struggle to remain competitive and maintain and create new jobs;

102. Highlights the fact that inefficient delivery services, especially as regards final-mile delivery, constitute a major barrier to selling across borders in the EU; stresses that accessible, affordable, efficient and high-quality delivery services are an essential prerequisite for a thriving single market; calls on the Commission to come up with a comprehensive action plan for parcel delivery and to define the goals to be achieved in this market by the end of 2020; calls on the Commission to put more emphasis on dismantling the barriers operators encounter in cross-border delivery;

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103. Calls on the Commission to work with the Member States to simplify and speed up procedures for the recognition of professional qualifications, including by facilitating and encouraging the introduction of Common Training Frameworks while fully respecting the principle of subsidiarity; calls on the Commission and the Member States to boost ICT and STEM training and education in order to equip both the current and the future workforce with the relevant e-skills;

104. Welcomes the fact that the strategy refers to the high level of unemployment across the EU, but regrets that it does not present specific steps and measures that can help people find employment, such as improving education and training standards, meeting lifelong learning targets, and tackling skills mismatches and qualifications of workers and professionals; considers that it is self-evident that the single market is changing rapidly as a result of digitalisation of the different industries and that the new jobs will require a different set of skills and qualifications;

105. Disapproves of the fact that the Commission did not adopt any specific measures in the Single Market Strategy to address the needs of people and consumers with disabilities, elderly people and people living in rural and remote areas;

106. Considers the principle of equal pay for equal work at the same place as advocated by Commission President Juncker to be an important tool with which to fight market distortions;

### *A fairer single market*

107. Emphasises that the genuine single market should provide benefits and protection for citizens, consumers and businesses in terms of better quality, greater variety, reasonable prices, and safety of goods and services; stresses that unjustified discrimination against service recipients (consumers and entrepreneurs) on the basis of nationality or place of residence that is not based on any objective and verifiable criteria, in both online and offline environments, is not acceptable within the single market; considers, however, that an obligation for companies to sell to the whole EU is not feasible;

108. Calls on the Commission to press ahead with a legislative proposal to address unjustified geo-blocking and other unjustified forms of discrimination by market operators; calls on the Commission to lay down effective criteria for assessing the unjustified character of geo-blocking; stresses that any such proposal must respect the basic principle of freedom of trade; stresses also that the Commission's proposal should take into account the principle of proportionality, in particular for small and micro businesses; notes that market operators sometimes need to engage in market selection in order to function within the market conditions set;

109. Agrees that when purchasing goods and services in the single market, consumers need transparent information and a set of modern and solid rights to protect their interests; is of the opinion that any review, merger or consolidation of consumer law directives should provide for a truly high level of consumer protection and enforceable rights, recognising existing best practices from national legislation;

110. Calls on the Commission to analyse the current legal uncertainties affecting consumers and if necessary to resolve them through clarification and supplements to the legal framework of consumers' rights; reiterates its commitment to the principle of flexible harmonisation for any proposed EU legislation concerning consumers and that full harmonisation is only applied when it sets a very high level of consumer protection and provides clear benefits for consumers;

111. Emphasises that social economy enterprises represent a diverse range of business models, which is key to a highly competitive and fairer single market; calls on the Commission to mainstream the social economy within its single market policies and to develop a European Action Plan for social economy enterprises in order to unlock the full potential for sustainable and inclusive growth;

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**Conclusions**

112. Calls on the Commission to submit the planned legislative proposals and initiatives to the legislators rapidly — taking into account the abovementioned proposals — following the appropriate stakeholder consultations and impact assessment, so as to ensure that they can be adopted in a timely manner;

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

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## II

(Information)

### INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN PARLIAMENT

P8\_TA(2016)0231

### **Request for waiver of the immunity of Gianluca Buonanno**

**European Parliament decision of 26 May 2016 on the request for waiver of the immunity of Gianluca Buonanno (2016/2003(IMM))**

(2018/C 076/19)

*The European Parliament,*

- having regard to the request for authorisation to acquire data from telephone companies relating to telephone traffic of a number used by Gianluca Buonanno, forwarded on 20 November 2015 by the Deputy Public Prosecutor of the Ordinary Court of Vercelli, Italy, and announced in plenary on 14 December 2015, in connection with criminal proceedings initiated before the Ordinary Court of Vercelli on behalf of Gianluca Buonanno in relation to telephone threats he claims to have received from an unknown caller on his mobile telephone number on 14 April 2015 (Ref. No 2890/15 R.G.N.R. mod. 44),
- having heard Gianluca Buonanno in accordance with Rule 9(5) of its Rules of Procedure,
- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 <sup>(1)</sup>,
- having regard to Article 68 of the Constitution of the Italian Republic,
- having regard to Article 4 of Law No 140 of 20 June 2003 laying down provisions giving effect to Article 68 of the Constitution and concerning the prosecution of persons in high offices of state <sup>(2)</sup>,

<sup>(1)</sup> Judgment of the Court of Justice of 12 May 1964, *Wagner v Fohrmann and Krier*, 101/63, ECLI:EU:C:1964:28; judgment of the Court of Justice of 10 July 1986, *Wybot v Faure and others*, 149/85, ECLI:EU:C:1986:310; judgment of the General Court of 15 October 2008, *Mote v Parliament*, T-345/05, ECLI:EU:T:2008:440; judgment of the Court of Justice of 21 October 2008, *Marra v De Gregorio and Clemente*, C-200/07 and C-201/07, ECLI:EU:C:2008:579; judgment of the General Court of 19 March 2010, *Gollnisch v Parliament*, T-42/06, ECLI:EU:T:2010:102; judgment of the Court of Justice of 6 September 2011, *Patriciello*, C-163/10, ECLI: EU: C:2011:543; judgment of the General Court of 17 January 2013, *Gollnisch v Parliament*, T-346/11 and T-347/11, ECLI:EU: T:2013:23.

<sup>(2)</sup> Legge n. 140, disposizioni per l'attuazione dell'articolo 68 della Costituzione nonché in materia di processi penali nei confronti delle alte cariche dello Stato, of 20 June 2003 (GURI No 142, of 21 June 2003).

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- having regard to Rule 5(2), Rule 6(1) and Rule 9 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A8-0180/2016),
  - A. whereas the Deputy Public Prosecutor of the Ordinary Court of Vercelli has forwarded a request for authorisation to acquire data from telephone companies relating to telephone records for a number used by a Member of the European Parliament elected with respect to Italy, Gianluca Buonanno, in connection with criminal proceedings initiated before the Ordinary Court of Vercelli on behalf of that Member in relation to telephone threats he claims to have received from an unknown caller on his mobile telephone number on 14 April 2015;
  - B. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members of the European Parliament enjoy, on the territory of their own Member State, the immunities accorded to members of the Member State's parliament;
  - C. whereas Article 68 of the Constitution of the Italian Republic states that 'in default of the authorisation of his House, no Member of Parliament may be submitted to personal or home search, nor may he be arrested or otherwise deprived of his personal freedom, nor held in detention, except when a final court sentence is enforced, or when the Member is apprehended in the act of committing an offence for which arrest *flagrante delicto* is mandatory. Such an authorisation shall also be required in order to monitor a Member of Parliament's conversations or communications, or to seize that Member's mail';
  - D. whereas Article 4 of Law No 140 of 20 June 2003 laying down provisions giving effect to Article 68 of the Constitution and concerning the prosecution of persons in high offices of state, *inter alia*, states that when it is required to acquire data concerning the telephone traffic of a Member of Parliament the competent authority should request authorisation from the chamber of which that person is a member;
  - E. whereas the request for waiver of the immunity of Gianluca Buonanno concerns the access by the investigating authority to the phone call records of the Member's mobile telephone number on the date on which he claims to have received threatening telephone calls;
  - F. whereas in his request for waiver of immunity the Deputy Public Prosecutor of the Ordinary Court of Vercelli concedes that it is not clear whether this parliamentary privilege should also apply in cases in which the Member of Parliament is the alleged victim of a crime; whereas he concludes, notwithstanding this, that the best interpretation of the domestic legislation is that this privilege should apply to Members of Parliament regardless of their procedural position; whereas he does not, however, submit any domestic case-law in support of his conclusion;
  - G. whereas it is not for the European Parliament to interpret the domestic rules on the privileges and immunities of Members of Parliament; whereas it seems appropriate, however, to recall that the objective of Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union is primarily to safeguard the independence of Members by ensuring that pressure, in the form of threats of arrest or legal proceedings, is not brought to bear on them during the sessions of the European Parliament; whereas in the present case it incontestably appears that no pressure has been brought to bear on the Member concerned, since the proceedings relate to alleged threats reported by the Member himself as the victim of threats made by telephone;
  - H. whereas in the light of the above it would appear that it should not have been necessary for the Deputy Public Prosecutor of the Ordinary Court of Vercelli to request authorisation from the European Parliament to order the acquisition of the data concerning Gianluca Buonanno's telephone traffic of 14 April 2015;
  - I. whereas, notwithstanding the above, it seems appropriate for the sake of legal certainty to accede *ad cautelam* to the request for authorisation forwarded by the Deputy Public Prosecutor of the Ordinary Court of Vercelli;
    1. Decides to waive the immunity of Gianluca Buonanno;
    2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Deputy Public Prosecutor of the Ordinary Court of Vercelli, Italy, and to Gianluca Buonanno.
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### III

(Preparatory acts)

## EUROPEAN PARLIAMENT

P8\_TA(2016)0205

### **Non-objection to a delegated act: transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational**

**European Parliament decision to raise no objections to the Commission Delegated Regulation of 8 April 2016 correcting Delegated Regulation (EU) 2016/341 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (C(2016)2002 — 2016/2656(DEA))**

(2018/C 076/20)

*The European Parliament,*

- having regard to the Commission Delegated Regulation (C(2016)2002),
  - having regard to the Commission's letter of 11 March 2016 asking Parliament to declare that it will raise no objections to the Delegated Regulation,
  - having regard to the letter from the Committee on the Internal Market and Consumer Protection to the Chair of the Conference of Committee Chairs of 21 April 2016,
  - having regard to Article 290 of the Treaty on the Functioning of the European Union,
  - having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Article 278, Article 279 and Article 284(5) thereof,
  - having regard to the recommendation for a decision of the Committee on the Internal Market and Consumer Protection,
  - having regard to Rule 105(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 105(6) of its Rules of Procedure, which expired on 28 April 2016,
- A. whereas following the adoption of Delegated Regulation (EU) 2016/341 <sup>(2)</sup>, it was detected that some forms, in the part concerning simplifications, were erroneously omitted from Annex 12, which will have a very negative impact for customs authorities and traders if they are not added before 1 May 2016, when the relevant provisions of the Union Customs Code and its implementing provisions will become applicable;

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (OJ L 69, 15.3.2016, p. 1).

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- B. whereas regarding that same Annex 12, in the part concerning simplifications, certain errors were also detected concerning the terminology used in the forms, and whereas, if those errors are not corrected, they will affect the legal clarity and adequacy with the Union Customs Code and its implementing provisions;
  - C. whereas Delegated Regulation (EU) 2016/341 should therefore be corrected accordingly to include in Annex 12, in the part concerning simplifications, the forms that are missing and, in the same part of that Annex, to replace the existing forms;
  - D. whereas in order to ensure that the Customs Union functions smoothly and that there is no disruption of trade flows, the delegated regulation needs to be applied as from 1 May 2016;
  - E. whereas the delegated regulation may only enter into force at the end of the period set for scrutiny by Parliament and the Council if no objection has been raised either by Parliament or by the Council or if, before the expiry of that period, both Parliament and the Council have informed the Commission that they will not object; whereas the scrutiny period is set under Article 284(5) of Regulation (EU) No 952/2013 as two months from the date of notification, that is to say, it runs until 9 June 2016 and may be extended by a further period of two months;
  - F. whereas, however, on grounds of urgency, the Commission asked on 11 March 2016 for an early confirmation of the delegated regulation before 1 May 2016 by Parliament;
    - 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.
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Tuesday 10 May 2016

P8\_TA(2016)0206

## **Protection against subsidised imports from countries not members of the EU \*\*\*I**

**European Parliament legislative resolution of 10 May 2016 on the proposal for a regulation of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codified text) (COM(2014)0660 — C8-0229/2014 — 2014/0305(COD))**

**(Ordinary legislative procedure — codification)**

(2018/C 076/21)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0660),
  - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0229/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 10 December 2014 <sup>(1)</sup>,
  - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts <sup>(2)</sup>,
  - having regard to Rules 103 and 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A8-0257/2015),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading, taking over the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
  2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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## **P8\_TC1-COD(2014)0305**

**Position of the European Parliament adopted at first reading on 10 May 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on protection against subsidised imports from countries not members of the European Union (codification)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1037.)*

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<sup>(1)</sup> OJ C 230, 14.7.2015, p. 129.

<sup>(2)</sup> OJ C 102, 4.4.1996, p. 2.

Tuesday 10 May 2016

P8\_TA(2016)0207

**Protection against dumped imports from countries not members of the EU \*\*\*I****European Parliament legislative resolution of 10 May 2016 on the proposal for a regulation of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codified text) (COM(2014)0667 — C8-0232/2014 — 2014/0309(COD))****(Ordinary legislative procedure — codification)**

(2018/C 076/22)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0667),
  - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0232/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the Interinstitutional Agreement of 20 December 1994 — Accelerated working method for official codification of legislative texts <sup>(1)</sup>,
  - having regard to Rules 103 and 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs (A8-0256/2015),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question contains a straightforward codification of the existing texts without any change in their substance;
1. Adopts its position at first reading hereinafter set out;
  2. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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**P8\_TC1-COD(2014)0309****Position of the European Parliament adopted at first reading on 10 May 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council on protection against dumped imports from countries not members of the European Union (codification)**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1036.)*

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<sup>(1)</sup> OJ C 102, 4.4.1996, p. 2.

Tuesday 10 May 2016

P8\_TA(2016)0208

### **EU-Liberia sustainable fisheries partnership agreement \*\*\***

**European Parliament legislative resolution of 10 May 2016 on the draft Council decision on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto (13015/2015 — C8-0402/2015 — 2015/0224(NLE))**

**(Consent)**

(2018/C 076/23)

*The European Parliament,*

- having regard to the draft Council decision (13015/2015),
  - having regard to the draft Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia (13014/2015),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0402/2015),
  - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A8-0142/2016),
1. Gives its consent to conclusion of the Agreement and the Protocol thereto;
  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 Liberia.
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Tuesday 10 May 2016

P8\_TA(2016)0209

**EU-Mauritania fisheries partnership agreement: fishing opportunities and financial contribution \*\*\***

**European Parliament legislative resolution of 10 May 2016 on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years (12773/2015 — C8-0354/2015 — 2015/0229(NLE))**

(Consent)

(2018/C 076/24)

*The European Parliament,*

- having regard to the draft Council decision (12773/2015),
  - having regard to the draft Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years (12776/2015),
  - having regard to the request for consent submitted by the Council in accordance with Article 43, Article 218(6), second subparagraph, point (a), and Article 218(7) of the Treaty on the Functioning of the European Union (C8-0354/2015),
  - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A8-0147/2016),
1. Gives its consent to conclusion of the Protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Islamic Republic of Mauritania.

Tuesday 10 May 2016

P8\_TA(2016)0210

### **Cooperation agreement on a civil Global Navigation Satellite System (GNSS) with Korea\*\*\***

**European Parliament legislative resolution of 10 May 2016 on the draft Council decision on the conclusion of the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States of the one part, and the Republic of Korea, of the other part (05977/2016 — C8-0116/2016 — 2015/0265(NLE))**

**(Consent)**

(2018/C 076/25)

*The European Parliament,*

- having regard to the draft Council decision (05977/2016),
  - having regard to the draft Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part (11516/2006),
  - having regard to the request for consent submitted by the Council in accordance with Articles 172 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0116/2016),
  - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), Rule 108(7) and Rule 50(1) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Industry, Research and Energy (A8-0065/2016),
1. Gives its consent to 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 and of the Republic of Korea.
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Tuesday 10 May 2016

P8\_TA(2016)0212

**Statistics concerning balance of payments, international trade in services and foreign direct investment \*\*\*I**

**European Parliament legislative resolution of 10 May 2016 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (COM(2014)0379 — C8-0038/2014 — 2014/0194(COD))**

(Ordinary legislative procedure: first reading)

(2018/C 076/26)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0379),
  - 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 (C8-0038/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Article 284(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Central Bank of 5 December 2014 <sup>(1)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 24 February 2016 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0227/2015),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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**P8\_TC1-COD(2014)0194**

**Position of the European Parliament adopted at first reading on 10 May 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council amending Regulation (EC) No 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1013.)*

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<sup>(1)</sup> OJ C 31, 30.1.2015, p. 3.

Wednesday 11 May 2016

P8\_TA(2016)0214

### **Exemptions for commodity dealers \*\*\*I**

**European Parliament legislative resolution of 11 May 2016 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards exemptions for commodity dealers (COM(2015)0648 — C8-0403/2015 — 2015/0295(COD))**

**(Ordinary legislative procedure: first reading)**

(2018/C 076/27)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0648),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0403/2015),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of European Central Bank of 3 March 2016 <sup>(1)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 27 April 2016 <sup>(2)</sup>,
  - having regard to the undertakings given by the Council representative by letter of 29 March 2016 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union
  - having regard to Rules 59 and 50(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0064/2016),
1. Adopts its position at first reading, hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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### **P8\_TC1-COD(2015)0295**

**Position of the European Parliament adopted at first reading on 11 May 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards exemptions for commodity dealers**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2016/1014.)*

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<sup>(1)</sup> OJ C 130, 13.4.2016, p. 1.

<sup>(2)</sup> Not yet published in the Official Journal.

Wednesday 11 May 2016

P8\_TA(2016)0215

**EU Agency for Law Enforcement Cooperation (Europol) \*\*\*II**

**European Parliament legislative resolution of 11 May 2016 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 European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (14957/2/2015 — C8-0130/2016 — 2013/0091(COD))**

**(Ordinary legislative procedure: second reading)**

(2018/C 076/28)

*The European Parliament,*

- having regard to the Council position at first reading (14957/2/2015 — C8-0130/2016),
  - having regard to its position at first reading<sup>(1)</sup> on the Commission proposal to Parliament and the Council (COM(2013)0173),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0164/2016),
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.

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<sup>(1)</sup> Texts adopted of 25.2.2014, P7\_TA(2014)0121.

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**Wednesday 11 May 2016**

## ANNEX TO THE LEGISLATIVE RESOLUTION

**Joint Statement by the Council and the European Parliament on Article 44**

Creating a harmonised, high level of data protection covering police and judicial activities in the Union is crucial as a means of respecting and safeguarding the fundamental rights of Union citizens. Given the shared responsibilities of the Union and Member States in the area of freedom, security and justice, it is essential that there be close and effective cooperation among supervisory authorities at national and Union level. The European Parliament and the Council consider that, following the adoption of the proposed General Data Protection Regulation and Data Protection Directive for data processing in the police and justice sector, including the new, soon to be created European Data Protection Board, and in light of the announced review of Regulation (EC) No 45/2001, the different mechanisms for cooperation between the European Data Protection Supervisor and the national supervisory authorities in this field, including the Cooperation Board set up in this Regulation, should in the future be reorganised in such a way as to ensure effectiveness and consistency and avoid unnecessary duplication, without prejudice to the Commission's right of initiative.

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Wednesday 11 May 2016

P8\_TA(2016)0216

**Entry and residence of third-country nationals for the purposes of research, studies, training, volunteering, pupil exchange and au pairing \*\*\*II**

**European Parliament legislative resolution of 11 May 2016 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (14958/2/2015 — C8-0131/2016 — 2013/0081(COD))**

**(Ordinary legislative procedure: second reading)**

(2018/C 076/29)

*The European Parliament,*

- having regard to the Council position at first reading (14958/2/2015 — C8-0131/2016),
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Greek 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 18 September 2013 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 28 November 2013 <sup>(2)</sup>,
  - having regard to its position at first reading <sup>(3)</sup> on the Commission proposal to Parliament and the Council (COM(2013)0151),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0166/2016),
1. Approves the Council position at first reading;
  2. Approves the joint statement by Parliament 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.

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<sup>(1)</sup> OJ C 341, 21.11.2013, p. 50.

<sup>(2)</sup> OJ C 114, 15.4.2014, p. 42.

<sup>(3)</sup> Texts adopted of 25.2.2014, P7\_TA(2014)0122.

Wednesday 11 May 2016

ANNEX TO THE LEGISLATIVE RESOLUTION

**Joint statement by the European Parliament and the Commission on the ground for rejection specified in point (f) of Article 20(2)**

The European Parliament and the Commission understand point (f) of Article 20(2) of this Directive as allowing Member States to reject an application only on a case-by-case basis and taking into account the specific circumstances of the third-country national and the principle of proportionality and on the basis of evidence or serious and objective reasons. The Commission will ensure that Member States implement this provision in line with this interpretation when transposing the Directive, and will inform the Parliament and the Council thereof, in the framework of its obligations under Article 39.

The European Parliament and the Commission consider that the inclusion of this provision in this Directive should not constitute a precedent for future legal migration instruments.

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Thursday 12 May 2016

P8\_TA(2016)0221

**Mandatory automatic exchange of information in the field of taxation \*****European Parliament legislative resolution of 12 May 2016 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(2016)0025 — C8-0030/2016 — 2016/0010(CNS))****(Special legislative procedure — consultation)**

(2018/C 076/30)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2016)0025),
  - having regard to Articles 113 and 115 of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0030/2016),
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs (A8-0157/2016),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Thursday 12 May 2016

**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. 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 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 in its conclusions of 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.

*Amendment*

- (1) In recent years, the challenge posed by tax fraud, **tax avoidance** and tax evasion has increased considerably and has become a major focus of concern within the Union and at global level. 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 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 in its conclusions of 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.

**Amendment 2**  
**Proposal for a directive**

**Recital 2**

*Text proposed by the Commission*

- (2) As Multi National Enterprise (MNE) Groups are active in different countries, they have the possibility of engaging in aggressive tax planning practices that are not available for domestic companies. When MNEs do so, purely domestic companies, normally small and medium-sized enterprises (SMEs) may be particularly affected as **their tax burden is higher than that of MNE Groups. On the other hand**, all Member States may suffer revenue losses and there is the risk of competition to attract MNE Groups by offering them further tax benefits. There is therefore a problem for the proper functioning of the Internal Market.

*Amendment*

- (2) As Multi National Enterprise (MNE) Groups are active in different countries, they have the possibility of engaging in aggressive tax planning practices that are not available for domestic companies. When MNEs do so, purely domestic companies, normally small and medium-sized enterprises (SMEs) may be particularly affected as **they usually pay an effective rate of tax that is much closer to statutory rates than MNEs, resulting in distortions to, and malfunctions of, the Internal Market as well as distortion of competition to the detriment of SMEs. To avoid distortion of competition, domestic companies should not face disadvantages due to their size or lack of cross-border trade. Furthermore**, all Member States may suffer revenue losses and there is the risk of **unfair** competition **between them** to attract MNE Groups by offering them further tax benefits. There is therefore a problem for the proper functioning of the Internal Market. **In this respect, it should be emphasised that it is the Commission that is in charge of the proper functioning of the Internal Market.**

Thursday 12 May 2016

**Amendment 3**  
**Proposal for a directive**  
**Recital 2 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (2a) *It is of vital importance for the Union that tax rules are designed not to impair growth or investments, put Union companies at a competitive disadvantage, nor increase the risk of double taxation and that they are designed to minimise costs and administrative burdens for companies.*

**Amendment 4**  
**Proposal for a directive**  
**Recital 3**

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*Text proposed by the Commission*

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*Amendment*

- (3) **Union** tax authorities need comprehensive and relevant information on MNE Groups regarding their structure, transfer pricing policy and internal transactions in and outside the **EU**. That information will enable the tax authorities to react to harmful tax practices through changes in the legislation or adequate risk assessments and tax audits, and to identify whether companies have engaged in practices that have the effect of artificially shifting substantial amounts of income into tax-advantaged environments.

- (3) **Member States'** tax authorities need comprehensive and relevant information on MNE Groups regarding their structure, transfer pricing policy, **tax settlements, tax credits** and internal transactions in and outside the **Union**. That information will enable the tax authorities to react to harmful tax practices through changes in the legislation or adequate risk assessments and tax audits, and to identify whether companies have engaged in practices that have the effect of artificially shifting substantial amounts of income into tax-advantaged environments. **The Commission should also have access to the information exchanged between Member States' tax authorities in order to ensure compliance with the relevant competition rules. The Commission should treat the information as confidential and take all appropriate measures to protect that information.**

Thursday 12 May 2016

**Amendment 5**  
**Proposal for a directive**

**Recital 4**

*Text proposed by the Commission*

- (4) **Increased transparency towards** tax authorities could have the effect of giving MNE Groups an incentive to abandon certain practices and pay their **fair share of** tax in the country where **profits are made**. Enhancing transparency for MNE Groups is therefore an essential part of tackling base erosion and profit shifting.

*Amendment*

- (4) **An adequate level of information provided to and exchanged between Member States'** tax authorities **as well as the Commission** could have the effect of giving MNE Groups an incentive to abandon certain practices and pay their tax **due** in the country where **the value is created**. **It would also increase the 'peer pressure' between Member States and would focus the attention of financial markets on the fiscal accountability of MNEs**. Enhancing transparency for MNE Groups, **without hampering the Union's competitiveness**, is therefore an essential part of tackling base erosion and profit shifting **and, ultimately, tax avoidance**.

**Amendment 6**  
**Proposal for a directive**

**Recital 6**

*Text proposed by the Commission*

- (6) In the country-by-country report, MNEs Groups should provide annually and for each tax jurisdiction in which they do business the amount of revenue, profit before income tax and income tax paid and accrued. MNE Groups should also report number of their employees, stated capital, retained earnings and tangible assets in each tax jurisdiction. Finally, MNE Groups should identify each entity within the group doing business in a particular tax jurisdiction and should provide an indication of the business activities each entity engages in.

*Amendment*

- (6) In the country-by-country report, MNEs Groups should provide annually and for each tax jurisdiction in which they do business the amount of revenue, profit before income tax and income tax paid and accrued, **as well as tax credits**. MNE Groups should also report number of their employees, stated capital, retained earnings and tangible assets in each tax jurisdiction. Finally, MNE Groups should identify each entity within the group doing business in a particular tax jurisdiction and should provide an indication of the business activities each entity engages in.

Thursday 12 May 2016

**Amendment 7**  
**Proposal for a directive**

**Recital 8**

*Text proposed by the Commission*

- (8) To ensure the proper functioning of the Internal Market, the **EU** has to provide for fair competition between EU MNE Groups and non-EU MNE Groups for which one or several of their entities are located in the **EU**. Both of them should therefore be subject to the reporting obligation.

*Amendment*

- (8) To ensure the proper functioning of the Internal Market, the **Union** has to provide for fair competition between EU MNE Groups and non-EU MNE Groups for which one or several of their entities are located in the **Union**. Both of them should therefore be subject to the reporting obligation. **Member States, in this respect, should be responsible for enforcing the reporting obligation of the MNEs through, for instance, introducing steps to penalise MNEs in the event of non-reporting.**

**Amendment 8**  
**Proposal for a directive**

**Recital 9 a (new)**

*Text proposed by the Commission*

- (9a) *[Text is identical to the Commission proposal and is not explicitly repeated in the amendment column]*

*Amendment*

- (9a) **Member States should ensure that they maintain or increase the level of human, technical and financial resources dedicated to the automatic exchange of information between tax administrations and to data processing within tax administrations.**

**Amendment 9**  
**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

- (11) As regards exchange of information between Member States, Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC already provides for the mandatory automatic exchange of information in a number of fields. Its scope should be enlarged to provide for the mandatory automatic exchange of country-by-country reports between Member States.

*Amendment*

- (11) As regards exchange of information between Member States, Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC already provides for the mandatory automatic exchange of information in a number of fields. Its scope should be enlarged to provide for the mandatory automatic exchange of country-by-country reports between Member States, **and the communication of such reports to the Commission. Moreover, the Commission should make use of the country-by-country reports to assess the compliance of Member States with Union State aid rules, as there is also a State aid dimension to unfair tax practices in the field of corporate taxation.**

Thursday 12 May 2016

**Amendment 10**  
**Proposal for a directive**

**Recital 12**

*Text proposed by the Commission*

- (12) The mandatory automatic exchange of country-by-country reports between Member States should in each case include the communication of a defined set of basic information **that** would be accessible to those Member States in which, on the basis of the information in the country-by-country report, one or more entities of the MNE Group are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment of an MNE Group.

*Amendment*

- (12) The mandatory automatic exchange of country-by-country reports between Member States **and with the Commission** should in each case include the communication of a defined set of basic information **which should be based on uniform definitions and which** would be accessible to those Member States in which, on the basis of the information in the country-by-country report, one or more entities of the MNE Group are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment of an MNE Group.

**Amendment 11**  
**Proposal for a directive**

**Recital 16**

*Text proposed by the Commission*

- (16) It is necessary to specify linguistic requirements for the exchange of information between Member States on country-by-country report. It is also necessary to adopt the practical arrangements necessary for the upgrading of CCN network. In order to ensure uniform conditions for the implementation of Articles 20(6) and 21(7), 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.

*Amendment*

- (16) It is necessary to specify linguistic requirements for the exchange of information between Member States **and the communication of such information to the Commission** on country-by-country report. It is also necessary to adopt the practical arrangements necessary for the upgrading of CCN network **and to make sure that the duplication of standards resulting in an increase in administrative costs for business operators is avoided.** In order to ensure uniform conditions for the implementation of Articles 20(6) and 21(7), 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.

Thursday 12 May 2016

**Amendment 12**  
**Proposal for a directive**  
**Recital 18 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (18a) *Member States' yearly reports to the Commission under this Directive, should detail the extent of filing under Article 8aa and Point 1, Section II, Annex III of this Directive and contain a list of any jurisdictions where ultimate parent entities of Union-based constituent entities are resident, but full reports have not been filed or exchanged.*

**Amendment 13**  
**Proposal for a directive**  
**Recital 18 b (new)**

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*Text proposed by the Commission*

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*Amendment*

- (18b) *It should be possible for information not to be exchanged under this Directive where such exchange would lead to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information the disclosure of which would be contrary to public policy.*

**Amendment 14**  
**Proposal for a directive**  
**Recital 18 c (new)**

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*Text proposed by the Commission*

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*Amendment*

- (18c) *Regard should be given to the European Parliament's resolution of 25 November 2015 on tax rulings and other measures similar in nature or effect, the report of Parliament's Committee on Legal Affairs on the proposal for a directive of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement and Directive 2013/34/EU as regards certain elements of the corporate governance statement, as well as its resolution of 16 December 2015 with recommendations to the Commission on bringing transparency, coordination and convergence to corporate tax policies in the Union.*

Thursday 12 May 2016

**Amendment 15**  
**Proposal for a directive**

**Recital 20**

*Text proposed by the Commission*

(20) Since the objective of this Directive, namely the efficient administrative cooperation between Member States under conditions compatible with the proper functioning of the internal market, cannot be sufficiently achieved by the Member States and can therefore, by reason of the uniformity and effectiveness required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

*Amendment*

(20) Since the objective of this Directive, namely the efficient administrative cooperation between Member States **and with the Commission** under conditions compatible with the proper functioning of the internal market, cannot be sufficiently achieved by the Member States and can therefore, by reason of the uniformity and effectiveness required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

**Amendment 16**

**Proposal for a directive**

**Article 1 — paragraph 1 — point - 1 (new)**

Directive 2011/16/EU

Article 1 — paragraph 1

*Present text*

1. This Directive lays down the rules and procedures under which the Member States shall cooperate with each other with a view to exchanging information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Member States concerning the taxes referred to in Article 2.

*Amendment*

**(-1) Article 1(1) is replaced by the following:**

‘1. This Directive lays down the rules and procedures under which the Member States shall cooperate with each other **and with the Commission** with a view to exchanging information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Member States concerning the taxes referred to in Article 2.’

Thursday 12 May 2016

**Amendment 17****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point -a (new)**

Directive 2011/16/EU

Article 3 — point 2

*Present text**Amendment***(-a) Article 3(2) is replaced by the following:**

(2) ‘central liaison office’ means the office which has been designated as such with principal responsibility for contacts with other Member States in the field of administrative cooperation;

‘(2) “central liaison office” means the office which has been designated as such with principal responsibility for contacts with other Member States **and with the Commission** in the field of administrative cooperation;’

**Amendment 18****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point a**

Directive 2011/16/EU

Article 3 — point 9 — point a

*Text proposed by the Commission**Amendment*

(a) for the purposes of Article 8(1) and Articles 8a and 8aa, the systematic communication of predefined information to another Member State, without prior request, at pre-established regular intervals; for the purposes of Article 8 (1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State.

(a) for the purposes of Article 8(1) and Articles 8a and 8aa, the systematic communication of predefined information to another Member State **and the Commission**, without prior request, at pre-established regular intervals; for the purposes of Article 8(1), reference to available information relates to information in the tax files of the Member State communicating the information, which is retrievable in accordance with the procedures for gathering and processing information in that Member State.

Thursday 12 May 2016

**Amendment 19****Proposal for a directive****Article 1 — paragraph 1 — point 1 a (new)**

Directive 2011/16/EU

Article 4 — paragraph 6

*Present text*

6. Where a liaison department or a competent official sends or receives a request or a reply to a request for cooperation, it shall inform the central liaison office of its Member State under the procedures laid down by that Member State.

*Amendment***(1a) Article 4(6) is replaced by the following:**

‘6. Where a liaison department or a competent official sends or receives a request or a reply to a request for cooperation, it shall inform the central liaison office of its Member State **and the Commission** under the procedures laid down by that Member State.’

**Amendment 20****Proposal for a directive****Article 1 — paragraph 1 — point 1 b (new)**

Directive 2011/16/EU

Article 6 — paragraph 2

*Present text*

2. The request referred to in Article 5 may contain a reasoned request for a specific administrative enquiry. If the requested authority takes the view that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons thereof.

*Amendment***(1b) Article 6(2) is replaced by the following:**

‘2. The request referred to in Article 5 may contain a reasoned request for a specific administrative enquiry. If the requested authority takes the view that no administrative enquiry is necessary, it shall immediately inform the requesting authority **and the Commission** of the reasons thereof.’

**Amendment 21****Proposal for a directive****Article 1 — paragraph 1 — point 1 c (new)**

Directive 2011/16/EU

Article 8 — paragraph 1 — point e a (new)

*Text proposed by the Commission**Amendment***(1c) In Article 8(1), the following point is added:**

‘(ea) **country-by-country reports,**’

Thursday 12 May 2016

**Amendment 22****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aa — paragraph 2

*Text proposed by the Commission*

2. The competent authority of a Member State where the Country-by-Country Report was received pursuant to paragraph 1 shall, by means of automatic exchange, communicate the report to any other Member State in which, on the basis of the information in the country-by-country report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment within the deadline laid down in paragraph 4.

*Amendment*

2. The competent authority of a Member State where the Country-by-Country Report was received pursuant to paragraph 1 shall, by means of automatic exchange, **as soon as possible** communicate the report to any other Member State in which, on the basis of the information in the country-by-country report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment within the deadline laid down in paragraph 4. **The competent authority of the Member State concerned shall also communicate the country-by-country report to the Commission, which is responsible for the centralised register of country-by-country reports, available to its competent services.**

**Amendment 23****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aa — paragraph 3 — point a

*Text proposed by the Commission*

(a) aggregate information relating to the amount of revenue, profit (loss) before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees, **and** tangible assets other than cash or cash equivalents with regard to each jurisdiction in which the MNE Group operates;

*Amendment*

(a) aggregate information relating to the amount of revenue, profit (loss) before income tax, income tax paid, income tax accrued, stated capital, accumulated earnings, number of employees, tangible assets other than cash or cash equivalents with regard to each jurisdiction in which the MNE Group operates, **public subsidies received, the value of assets and annual cost of maintaining them, and sales and purchases made by the Group;**

Thursday 12 May 2016

**Amendment 24****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aa — paragraph 3 — point b a (new)

*Text proposed by the Commission**Amendment*

**(ba) the future European tax identification number (TIN) of the MNE Group referred to in the Commission's 2012 Action Plan to strengthen the fight against fraud and tax evasion.**

**Amendment 37****Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2011/16/EU

Article 8aa — paragraph 4 a (new)

*Text proposed by the Commission**Amendment*

**4a. In order to enhance transparency for citizens, the Commission shall publish an aggregated summary of the country-by-country reports, based on the information contained in the centralised register of country-by-country reports. In so doing, the Commission shall comply with the provisions of Article 23a on confidentiality.**

**Amendment 26****Proposal for a directive****Article 1 — paragraph 1 — point 2 a (new)**

Directive 2011/16/EU

Article 9 — paragraph 1 — introductory part

*Present text**Amendment*

**(2a) The introductory part of Article 9(1) is replaced by the following:**

1. The competent authority of each Member State shall communicate the information referred to in Article 1(1) to the competent authority of any other Member State concerned, in any of the following circumstances:

'1. The competent authority of each Member State shall communicate the information referred to in Article 1(1) to the competent authority of any other Member State concerned **and to the Commission**, in any of the following circumstances:'

Thursday 12 May 2016

**Amendment 27****Proposal for a directive****Article 1 — paragraph 1 — point 2 b (new)**

Directive 2011/16/EU

Article 9 — paragraph 2

*Present text*

2. The competent authorities of each Member State may communicate, by spontaneous exchange, to the competent authorities of the other Member States any information of which they are aware and which may be useful to the competent authorities of the other Member States.

*Amendment***(2b) Article 9(2) is replaced by the following:**

‘2. The competent authorities of each Member State may communicate, by spontaneous exchange, to the competent authorities of the other Member States **and to the Commission** any information of which they are aware and which may be useful to the competent authorities of the other Member States.’

**Amendment 28****Proposal for a directive****Article 1 — paragraph 1 — point 4 a (new)**

Directive 2011/16/EU

Article 23 — paragraph 2

*Present text*

2. Member States shall communicate to the Commission any relevant information necessary for the evaluation of the effectiveness of administrative cooperation in accordance with this Directive in combating tax evasion and tax avoidance.

*Amendment***(4a) Article 23(2) is replaced by the following:**

‘2. Member States shall communicate to the Commission any relevant information necessary for the evaluation of the effectiveness of administrative cooperation in accordance with this Directive in combating **tax avoidance**, tax evasion and tax fraud.’

**Amendment 29****Proposal for a directive****Article 1 — paragraph 1 — point 5**

Directive 2011/16/EU

Article 23 — paragraph 3

*Text proposed by the Commission*

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, Article 8a and 8aa as well as the practical results achieved. The Commission shall, by means of implementing acts, adopt the form and the conditions of communication of that yearly assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).

*Amendment*

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, Article 8a and 8aa as well as the practical results achieved. **The Commission shall inform the European Parliament and the Council about those results in an appropriate manner, such as an annual consolidated report where the outcome and output of the reporting procedure are discussed.** The Commission shall, by means of implementing acts, adopt the form and the conditions of communication of that yearly assessment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 26(2).

Thursday 12 May 2016

**Amendment 30****Proposal for a directive****Article 1 — paragraph 1 — point 5 a (new)**

Directive 2011/16/EU

Article 23 — paragraph 3 a (new)

*Text proposed by the Commission**Amendment***(5a) In Article 23, the following paragraph is inserted:**

**‘3a. The Commission shall submit a yearly consolidated report to the European Parliament and the Council concerning the Member States’ yearly assessments of the effectiveness of the automatic exchange of information, as well as the practical results achieved.’**

**Amendment 31****Proposal for a directive****Article 1 — paragraph 1 — point 5 b (new)**

Directive 2011/16/EU

Article 23 — paragraph 3 b (new)

*Text proposed by the Commission**Amendment***(5b) In Article 23, the following paragraph is inserted:**

**‘3b. In the event that the Commission’s impact assessment on the consequences of public disclosure of country-by-country information determines that there are no negative consequences for MNE Groups, the Commission shall promptly propose legislation to make the information publicly available.’**

**Amendment 32****Proposal for a directive****Article 1 — paragraph 1 — point 5 c (new)**

Directive 2011/16/EU

Article 24 — paragraph 1

*Present text**Amendment***(5c) Article 24(1) is replaced by the following:**

1. Where the competent authority of a Member State receives from a third country information that is foreseeably relevant to the administration and enforcement of the domestic laws of that Member State concerning the taxes referred to in Article 2, that authority may, in so far as this is allowed pursuant to an agreement with that third country, provide that information to the competent authorities of Member States for which that information might be useful and to any requesting authorities.

**‘1. Where the competent authority of a Member State receives from a third country information that is foreseeably relevant to the administration and enforcement of the domestic laws of that Member State concerning the taxes referred to in Article 2, that authority may, in so far as this is allowed pursuant to an agreement with that third country, provide that information to the competent authorities of Member States for which that information might be useful and to any requesting authorities, and to the Commission.’**

Thursday 12 May 2016

**Amendment 33****Proposal for a directive****Article 1 — paragraph 1 — point 7 a (new)**

Directive 2011/16/EU

Article 27 a (new)

*Text proposed by the Commission**Amendment***(7a) The following Article is inserted:****‘Article 27a****Review*****The Commission shall review the effectiveness of this Directive by...[three years after the date of entry into force of this Directive].’*****Amendment 34****Proposal for a directive****Annex — Annex III — Section II — paragraph 1 — subparagraph 2***Text proposed by the Commission**Amendment*

Where there are more than one Constituent Entities of the same MNE Group that are resident for tax purposes in the Union and one or more of the conditions set out in point (b) apply, the MNE Group may designate one of such Constituent Entities to file the country-by-country report conforming to the requirements of Article 8aa(1) with respect to any Reporting Fiscal Year within the deadline specified in Article 8aa(1) and to notify the Member State that the filing is intended to satisfy the filing requirement of all the Constituent Entities of such MNE Group that are resident for tax purposes in the Union. That Member State shall, pursuant to Article 8aa(2), communicate the country-by-country report received to any other Member State in which, on the basis of the information in the country-by-country Report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment.

Where there are more than one Constituent Entities of the same MNE Group that are resident for tax purposes in the Union and one or more of the conditions set out in point (b) apply, the MNE Group may designate one of such Constituent Entities, ***preferably the one with the highest turnover***, to file the country-by-country report conforming to the requirements of Article 8aa(1) with respect to any Reporting Fiscal Year within the deadline specified in Article 8aa(1) and to notify the Member State that the filing is intended to satisfy the filing requirement of all the Constituent Entities of such MNE Group that are resident for tax purposes in the Union. That Member State shall, pursuant to Article 8aa(2), communicate the country-by-country report received to any other Member State in which, on the basis of the information in the country-by-country Report, one or more Constituent Entities of the MNE Group of the Reporting Entity are either resident for tax purposes, or are subject to tax with respect to the business carried out through a permanent establishment.

Wednesday 26 May 2016

P8\_TA(2016)0229

## **Mobilisation of the European Globalisation Adjustment Fund: application EGF/2015/010 FR/MoryGlobal**

**European Parliament resolution of 26 May 2016 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from France — EGF/2015/010 FR/MoryGlobal) (COM(2016)0185 — C8-0136/2016 — 2016/2043(BUD))**

(2018/C 076/31)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0185 — C8-0136/2016),
  - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup> (EGF Regulation),
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>, and in particular Article 12 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(3)</sup> (IIA of 2 December 2013), and in particular point 13 thereof,
  - having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,
  - having regard to the letter of the Committee on Employment and Social Affairs,
  - having regard to the letter of the Committee on Regional Development,
  - having regard to the report of the Committee on Budgets (A8-0182/2016),
- 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 or of the global financial and economic crisis 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 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 2 December 2013 in respect of the adoption of decisions to mobilise the European Globalisation Adjustment Fund (EGF);
- C. whereas the adoption of the EGF Regulation reflects the agreement reached between the Parliament and the Council to reintroduce the crisis mobilisation criterion, to set the Union financial contribution to 60 % of the total estimated cost of proposed measures, to increase efficiency for the treatment of EGF applications in the Commission and by the Parliament and the Council by shortening the time for assessment and approval, to widen eligible actions and beneficiaries by introducing self-employed persons and young people and to finance incentives for setting up own businesses;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

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- D. whereas France submitted application EGF/2015/010 FR/MoryGlobal for a financial contribution from the EGF, following redundancies in the economic sector classified under the NACE Revision 2 Division 49 (Land transport and transport via pipelines) and Division 52 (Warehousing and support activities for transportation) throughout mainland France, and whereas 2 132 redundant workers eligible for an EGF contribution are expected to participate in the measures; whereas the request follows the judicial liquidation of MoryGlobal and is a follow-up to the application EGF/2014/017 FR/Mory-Ducros;
- E. whereas the application was submitted under the intervention criteria of point (a) of Article 4(1) of the EGF Regulation, which requires at least 500 workers being made redundant over a reference period of four months in an enterprise in a Member State, including workers made redundant by suppliers and downstream producers and / or self-employed persons whose activity has ceased;
1. Agrees with the Commission that the conditions set out in point (a) of Article 4(1) of the EGF Regulation are met and that, therefore, France is entitled to a financial contribution of EUR 5 146 800 under that Regulation, which represents 60 % of the total cost of EUR 8 528 000;
  2. Notes that the Commission respected the deadline of 12 weeks from the receipt of the application from the French authorities, on 19 November 2015, until the finalisation of its assessment on the compliance with the conditions for providing a financial contribution, on 7 April 2016 and notified its assessment to Parliament that day;
  3. Considers that the redundancies in MoryGlobal are linked to the general decline in physical output in Europe, which has led to a reduction in volumes to be transported and a price war in the road haulage sector, resulting in a steady deterioration in operating margins and a series of losses for the sector in France since 2007, followed by a wave of bankruptcies, including that of Mory-Ducros and later of MoryGlobal, which re-employed 2 107 of Mory-Ducros' former workers;
  4. Points out that the EGF support for 2 513 former Mory-Ducros workers, approved in April 2015 <sup>(1)</sup>, amounts to EUR 6 052 200;
  5. Notes that, to date, the land transport and transport via pipelines sector has been the subject of two other EGF applications: EGF/2014/017 FR/Mory-Ducros and EGF/2011/001 AT/Nieder- und Oberoesterreich, both based on the global financial and economic crisis, relating to 2 804 redundancies in that sector; notes that several measures in the two applications are similar;
  6. Notes the fact that the French authorities started providing the personalised services to the affected workers on 23 April 2015, ahead of the application on the granting of EGF support for the proposed coordinated package;
  7. Welcomes the fact that France put in place the social plan, in which MoryGlobal also participates financially, before obtaining the top up from EGF; appreciates that the assistance requested from EGF does not include measures under point (b) of Article 7(1) of the EGF Regulation, namely allowances, but is orientated towards measures with real added value for the future reintegration into the labour market of the workers made redundant;
  8. Notes that the EGF cofunded personalised services to be provided consist of advice and guidance provided by a team of expert consultants, which are additional to the social plan and the Contrat de Sécurisation Professionnelle funded by the French State to help the workers back into employment; notes that the three contractors operating the team of consultants are the ones providing services to the workers made redundant by Mory-Ducros; expects the Commission and the French authorities to strictly follow the principle according to which payments to the agencies are to be made on the basis of results achieved;

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<sup>(1)</sup> Decision (EU) 2015/738 of the European Parliament and of the Council of 29 April 2015 on the mobilisation of the European Globalisation Adjustment Fund (application EGF/2014/017 FR/Mory-Ducros, from France) (OJ L 117, 8.5.2015, p. 47).

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9. Notes that the contractors (BPI, Sodie and AFPA Transitions) shall assist the redundant workers and help them find solutions to remain in the labour market and find new jobs, through personalised services such as collective and individual information sessions, job transition and accompaniment towards new jobs;
10. Considers that workers in the 55-64 age group are at a higher risk of long-term unemployment and exclusion from the labour market with the possible effect of social exclusion; considers therefore that those workers, who make up over 19 % of the beneficiaries expected to be targeted by the proposed actions, have specific needs when it comes to providing them with personalised approach in accordance with Article 7 of the EGF Regulation;
11. Notes that France indicated that the coordinated package of personalised services was drawn up in consultation with the representatives of the targeted beneficiaries and the social partners;
12. Reminds that, in line with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy; welcomes the fact that France has provided all necessary assurances that the proposed actions will be complementary to actions funded by the Structural Funds as a combined measure to adjust to global challenges in order to achieve sustainable economic growth as highlighted in the European Globalisation Adjustment Fund 2007-2014 European Implementation Assessment <sup>(1)</sup>;
13. Notes that the contractors operating the team of consultants are the same as those providing services to the workers made redundant by Mory-Ducros; calls on the Commission to provide an evaluation of the cost-effectiveness of the ongoing support for the redundant workers of Mory-Ducros, as the current application is a follow-up to the EGF/2014/017 FR/Mory-Ducros application, and the personalised services are provided by the same contractors;
14. Takes into account the sensitivity of the specific labour market since France has the highest share of EU-28 value added within the land transport services sector;
15. Notes that French authorities confirm that the proposed actions do not receive financial support from other Union funds or financial instruments and that they are complementary to actions funded by the Structural Funds;
16. Reiterates that assistance from the EGF comes in addition to national measures and must not replace actions which are the responsibility of Member States or of companies;
17. Appreciates the improved procedure put in place by the Commission, following the Parliament's request for the accelerated release of grants; notes the time pressure that the new timetable implies and the potential impact on the effectiveness of case instruction;
18. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;
19. Approves the decision annexed to this resolution;
20. 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*;
21. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.

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<sup>(1)</sup> [http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/558763/EPRS\\_IDA\(2016\)558763\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/558763/EPRS_IDA(2016)558763_EN.pdf)

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ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on the mobilisation of the European Globalisation Adjustment Fund  
(application from France — EGF/2015/010 FR/MoryGlobal)**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2016/989.)*

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Wednesday 26 May 2016

P8\_TA(2016)0230

## **Mobilisation of the European Globalisation Adjustment Fund: application EGF/2015/011 GR/Supermarket Larissa**

**European Parliament resolution of 26 May 2016 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (application from Greece — EGF/2015/011 GR/Supermarket Larissa) (COM(2016)0210 — C8-0149/2016 — 2016/2050(BUD))**

(2018/C 076/32)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2016)0210 — C8-0149/2016),
  - having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup> (EGF Regulation),
  - having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(2)</sup>, and in particular Article 12 thereof,
  - having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(3)</sup> (IIA of 2 December 2013), and in particular point 13 thereof,
  - having regard to the five previous EGF applications related to the retail sector,
  - having regard to its resolution of 13 April 2016 on the proposal for a decision of the European Parliament and of the Council on the mobilisation of the European Globalisation Adjustment Fund (EGF/2016/000 TA 2016 — Technical assistance at the initiative of the Commission) <sup>(4)</sup>,
  - having regard to the trilogue procedure provided for in point 13 of the IIA of 2 December 2013,
  - having regard to the letter of the Committee on Employment and Social Affairs,
  - having regard to the letter of the Committee on Regional Development,
  - having regard to the report of the Committee on Budgets (A8-0181/2016),
- 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 or of the global financial and economic crisis and to assist their reintegration into the labour market; whereas the European Globalisation Adjustment Fund (EGF) benefits workers who have been dismissed from small and medium-sized enterprises and multinationals, regardless of the policies or interests which motivated the closure decision, in particular of the latter ones; whereas the EGF Regulation and Union trade policy should further focus on how to safeguard jobs, production and know-how within the Union;
- B. whereas the Union's financial assistance to workers in need should be dynamic and made available as quickly and 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 2 December 2013 in respect of the adoption of decisions to mobilise the EGF;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(3)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(4)</sup> Texts adopted, P8\_TA(2016)0112.

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- C. whereas Greece submitted application EGF/2015/011 GR/Supermarket Larissa for a financial contribution from the EGF, following dismissals in the economic sector classified under the NACE Revision 2 Division 47 (retail trade, except of motor vehicles and motorcycles) in the NUTS level 2 regions of Central Macedonia (Κεντρική Μακεδονία) (EL12) and Thessalia (Θεσσαλία) (EL14), and whereas 557 dismissed workers, as well as 543 young people not in employment, education or training (NEETs) under the age of 30 from the same regions are expected to participate in the measures; whereas the workers were dismissed following the bankruptcy and closure of Supermarket Larissa ABEE;
- D. whereas the application was submitted under the intervention criteria of point (a) of Article 4(1) of the EGF Regulation, which requires at least 500 workers being dismissed over a reference period of four months in an enterprise in a Member State, including workers dismissed by suppliers and downstream producers and/or self-employed persons whose activity has ceased;
1. Agrees with the Commission that the conditions set out in point (a) of Article 4(1) of the EGF Regulation are met and that, therefore, Greece is entitled to a financial contribution of EUR 6 468 000 under that Regulation, which represents 60 % of the total cost of EUR 10 780 000;
  2. Notes that the financial contribution will target 557 workers made redundant, of which 194 are men and 363 are women;
  3. Recalls that another 543 young people under the age of 30 who are not in employment, education or training in the same region might be provided with personalised services such as occupational guidance under the Youth Employment Initiative;
  4. Notes that the Commission respected the deadline of 12 weeks from the receipt of the application from the Greek authorities, on 26 November 2015, until finalising its assessment on the compliance with the conditions for providing a financial contribution, on 14 April 2016 and notified it to Parliament on 15 April 2016;
  5. Notes that in addition to the 557 workers dismissed, 543 young people not in employment, education or training (NEETs) under the age of 30 from the same regions are expected to participate in the measures and receive personalised services co-financed by the EGF; notes that the request of the Greek authorities to include NEETs in these measures is due to the lack of jobs in the region compared with the high number of job seekers, 73,5 % of unemployed persons being unemployed for more than 12 months in Thessalia (Eurostat);
  6. Notes that, as a consequence of the deep recession of the Greek economy followed by a decline in household consumption and purchasing power, the volumes of retail trade of food, beverages and tobacco were more than 30 % lower in 2015 than the early-crisis volumes of 2008; notes that the sales of Supermarket Larissa followed the same downwards trend;
  7. Notes, therefore, that Supermarket Larissa, a cooperative of small grocery stores founded in 1986, with 42 shops and 600 workers, could not overcome its losses and had to close its shops during the second quarter of 2014; points out that this was not prevented by the austerity measures, in particular wage cuts (-30 %), the renegotiation of leases and the putting off of the maturity date of bills; notes that this situation is also due to the drastic reduction in loans to enterprises, in a context where quantitative easing by the European Central Bank failed to kickstart loans; notes that this case is a dramatic result of the continuous pressure by creditors on Greece and of European austerity policy;
  8. Welcomes the fact that the Greek authorities started providing the personalised services to the affected workers on 26 February 2016, ahead of the decision on the granting of EGF support for the proposed coordinated package;
  9. Notes that the income-support measures will be strictly limited to a maximum amount of 35 % of the overall package of personalised measures, as set out in the EGF Regulation, and that those actions are conditional on the active participation of the targeted beneficiaries in job-search or training activities;

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10. Notes that although the cooperative applied some austerity measures such as wage cuts, renegotiation of the leases, putting off the maturity date of bills, proposing cheaper products and reducing operation costs it had to start closing its shops one after another;
  11. Notes that the measures planned by Greece for the dismissed workers and for the NEETs comprise the following categories: occupational guidance; training, retraining and vocational training; contribution to business start-up; participation allowance and training allowance; mobility allowance;
  12. Notes the rather high amount (EUR 15 000) to be received, as part of personalised services, by the workers or NEETs who will set up their own business; notes, at the same time, that a large number of the redundant workers have an entrepreneurial background which increases their chances of success in this sector;
  13. Notes the possibility that some of the new businesses will take the form of social cooperatives and welcomes, in this context, the efforts of the Greek authorities to enhance the social economy sector in Greece;
  14. Notes the importance of launching an information campaign in order to reach the NEETs who could be eligible under these measures; recalls its position on the need to help the NEETs in a permanent and sustainable way;
  15. Welcomes the fact that the coordinated package of personalised services was established through further consultations with representatives of the beneficiaries and social partners;
  16. Reminds that, in line with Article 7 of the EGF Regulation, the design of the coordinated package of personalised services should anticipate future labour market perspectives and required skills and should be compatible with the shift towards a resource-efficient and sustainable economy;
  17. Highlights the need to improve the employability of all workers by means of adapted training and expects that the training offered in the coordinated package will meet both needs of the workers and the business environment;
  18. Calls on the Commission to provide more details in future proposals on the sectors which have the potential to grow, and therefore to hire people, as well as to gather substantiated data on the impact of the EGF funding, including on the quality of jobs and the reintegration rate achieved through EGF;
  19. Notes that the Greek authorities confirm that the eligible actions do not receive assistance from other Union financial instruments;
  20. Appreciates the improved procedure put in place by the Commission, following the Parliament's request for the accelerated release of grants; notes the time pressure that the new timetable implies and the potential impact on the effectiveness of case instruction;
  21. Recalls its appeal to the Commission to assure public access to all the documents related to EGF cases;
  22. Approves the decision annexed to this resolution;
  23. 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*;
  24. Instructs its President to forward this resolution, including its Annex, to the Council and the Commission.
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Wednesday 26 May 2016

ANNEX

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on the mobilisation of the European Globalisation Adjustment Fund  
(application from Greece — EGF/2015/011 GR/Supermarket Larissa)**

*(The text of this annex is not reproduced here since it corresponds to the final act, Decision (EU) 2016/990.)*

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Wednesday 26 May 2016

P8\_TA(2016)0232

## Provisional measures in the area of international protection for the benefit of Sweden \*

European Parliament legislative resolution of 26 May 2016 on the proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2015)0677 — C8-0017/2016 — 2015/0314(NLE))

(Consultation)

(2018/C 076/33)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2015)0677),
  - having regard to Article 78(3) of the Treaty on the Functioning of the European Union, pursuant to which the Council consulted Parliament (C8-0017/2016),
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0170/2016),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, in accordance with Article 293(2) of the Treaty on the Functioning of the European Union;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to substantially amend the Commission proposal;
  5. Instructs its President to forward its position to the Council and the Commission.

### Amendment 1

#### Proposal for a decision

##### Recital 5

*Text proposed by the Commission*

- (5) Sweden faces an emergency situation characterised by a sudden inflow of nationals of third countries in its territory due to a sharp shift of migratory flows. On 8 December Sweden formally requested the suspension of its obligations under Council Decisions (EU) 2015/1523 and (EU) 2015/1601.

*Amendment*

- (5) Sweden faces an emergency situation characterised by a sudden inflow of nationals of third countries in its territory due to a sharp shift of migratory flows. On 8 December 2015 Sweden formally requested the suspension of its obligations under Council Decisions (EU) 2015/1523 and (EU) 2015/1601, **having to face both challenges of being a country of first arrival and final destination.**

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**Amendment 2**  
**Proposal for a decision**

**Recital 9**

*Text proposed by the Commission*

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- (9) Sweden **has** in 2015 by far the highest number of applicants for international protection per capita in the EU (11 503 applicants per million inhabitants).

*Amendment*

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- (9) Sweden **had** in 2015 by far the highest number of applicants for international protection per capita in the EU (11 503 applicants per million inhabitants) **and in March 2016 received a total of 170 104 applicants, of which 73 331 were children, including 36 181 unaccompanied minors.**

**Amendment 3**  
**Proposal for a decision**

**Recital 10**

*Text proposed by the Commission*

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- (10) Sweden is also facing a difficult situation because of the significant recent increase in the number of unaccompanied minors, with one out of four applicants claiming to be **an** unaccompanied **minor**.

*Amendment*

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- (10) Sweden is also facing a difficult situation because of the significant recent increase in the number of unaccompanied minors, with one out of four applicants claiming to be unaccompanied **minors, who have special needs and require additional resources in order to provide access to health care, dignified accommodation and education according to Union asylum rules.**
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