

Official Journal of the European Union

C 263



English edition

Information and Notices

Volume 61
25 July 2018

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Sitting of 13 March 2017

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P8_TA(2017)0090

Supply chain due diligence by importers of minerals and metals originating in conflict-affected and high-risk areas ***I

European Parliament legislative resolution of 16 March 2017 on the proposal for a regulation of the European Parliament and of the Council setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas (COM(2014)0111 — C7-0092/2014 — 2014/0059(COD))

P8_TC1-COD(2014)0059

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P8_TA(2017)0091

Union framework for the collection, management and use of data in the fisheries sector ***I

European Parliament legislative resolution of 16 March 2017 on the proposal for a regulation of the European Parliament and of the Council concerning the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (recast) (COM(2015)0294 — C8-0160/2015 — 2015/0133(COD))

P8_TC1-COD(2015)0133

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Key to symbols used

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

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

Amendments by Parliament:

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

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TEXTS ADOPTED

Thursday 2 March 2017

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8_TA(2017)0060

Obligations in the field of visa reciprocity

European Parliament resolution of 2 March 2017 on obligations of the Commission in the field of visa reciprocity in accordance with Article 1(4) of Regulation (EC) No 539/2001 (2016/2986(RSP))

(2018/C 263/01)

The European Parliament,

- having regard to Council Regulation (EC) No 539/2001⁽¹⁾, in particular Article 1(4) thereof ('the reciprocity mechanism'),
- having regard to the Commission communication of 12 April 2016 entitled 'State of play and the possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy' (COM(2016)0221),
- having regard to the Commission communication of 13 July 2016 entitled 'State of play and the possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy (Follow-up of the Communication of 12 April)' (COM(2016)0481),
- having regard to the Commission communication of 21 December 2016 entitled 'State of play and the possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy (Follow-up to the Communication of 12 April)' (COM(2016)0816),
- having regard to Article 17 of the Treaty on European Union (TEU) and Articles 80, 265 and 290 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to its debate on 'Obligations in the field of visa reciprocity' held on 14 December 2016 in Strasbourg,
- having regard to the question to the Commission on obligations of the Commission in the field of visa reciprocity in accordance with Article 1(4) of Regulation (EC) No 539/2001 (O-000142/2016 — B8-1820/2016),
- having regard to the motion for a resolution of the Committee on Civil Liberties, Justice and Home Affairs,

⁽¹⁾ OJ L 81, 21.3.2001, p. 1.

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- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas the criterion of visa reciprocity as one of the criteria guiding the EU's visa policy is generally understood to imply that EU citizens should be subject to the same conditions when travelling to a third country as the nationals of that third country are when travelling to the EU;
- B. whereas the purpose of the visa reciprocity mechanism is to achieve such visa reciprocity; whereas the EU's visa policy prohibits individual Member States from introducing a visa requirement for nationals of a third country if this country is listed in Annex II to Regulation (EC) No 539/2001 (countries whose nationals are exempt from the visa requirement for short stays);
- C. whereas the reciprocity mechanism was revised in 2013, with Parliament acting as co-legislator, as it needed to be adapted in the light of the entry into force of the Treaty of Lisbon and of the case-law of the Court of Justice of the European Union on secondary legal bases and 'to provide for a Union response as an act of solidarity, if a third country listed in Annex II to Regulation (EC) No 539/2001 applies a visa requirement for nationals of at least one Member State' (Recital 1 of Regulation (EU) No 1289/2013);
- D. whereas the reciprocity mechanism sets out a procedure starting with a situation of non-reciprocity with precise timeframes and actions to be taken with a view to ending a situation of non-reciprocity; whereas its inherent logic entails measures of increasing severity vis-à-vis the third country concerned, including ultimately the suspension of the exemption from the visa requirement for all nationals of the third country concerned ('second phase of application of the reciprocity mechanism');
- E. whereas 'in order to ensure the adequate involvement of the European Parliament and of the Council in the second phase of application of the reciprocity mechanism, given the particularly sensitive political nature of the suspension of the exemption from the visa requirement for all the nationals of a third country listed in Annex II to Regulation (EC) No 539/2001 and its horizontal implications for the Member States, the Schengen associated countries and the Union itself, in particular for their external relations and for the overall functioning of the Schengen area, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union [was] delegated to the Commission in respect of certain elements of the reciprocity mechanism' including the suspension of the exemption from the visa requirement for all nationals of the third country concerned;
- F. whereas 'the European Parliament or the Council may decide to revoke the delegation' (Article 290(2)(a) TFEU);
- G. whereas a delegated act 'may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the legislative act' (Article 290(2)(b) TFEU);
- H. whereas the Commission contested the choice of delegated acts in the second phase of application of the reciprocity mechanism before the Court of Justice of the European Union, and whereas the Court considered however the choice of the legislator to be correct (Case C-88/14);
- I. whereas the mechanism thereby clearly assigns obligations and responsibilities to Parliament and the Council and to the Commission in the different phases of the reciprocity mechanism;
1. Considers the Commission to be legally obliged to adopt a delegated act — temporarily suspending the exemption from the visa requirement for nationals of third countries which have not lifted the visa requirement for citizens of certain Member States — within a period of 24 months from the date of publication of the notifications in this regard, which ended on 12 April 2016;
 2. Calls on the Commission, on the basis of Article 265 TFEU, to adopt the required delegated act within two months from the date of adoption of this resolution at the latest;
 3. Instructs its President to forward this resolution to the Commission, the European Council, the Council and the national parliaments.
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P8_TA(2017)0061

Options for improving access to medicines

European Parliament resolution of 2 March 2017 on EU options for improving access to medicines (2016/2057(INI))

(2018/C 263/02)

The European Parliament,

- having regard to its position of 6 February 2013 on the proposal for a directive of the European Parliament and of the Council relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of public health insurance systems ⁽¹⁾,
- having regard to Article 168 of the Treaty on the Functioning of the European Union (TFEU), which lays down that a high level of human health protection should be ensured in the definition and implementation of all Union policies and activities,
- having regard to the Commission REFIT evaluation of Council Regulation (EC) No 953/2003 to avoid trade diversion into the European Union of certain key medicines (SWD(2016)0125),
- having regard to the obligations set out in Article 81 of Directive 2001/83/EC for the maintenance of an appropriate and continued supply of medicinal products,
- having regard to the Commission's Inception Impact Assessment ⁽²⁾ on the strengthening of EU cooperation on Health Technology Assessment (HTA),
- having regard to the HTA Network Strategy for EU Cooperation on Health Technology Assessment of 29 October 2014 ⁽³⁾,
- having regard to the final report of the Commission's Pharmaceutical Sector Inquiry (SEC(2009)0952),
- having regard to the Commission's 2013 report entitled 'Health inequalities in the EU — Final report of a consortium. Consortium lead: Sir Michael Marmot' ⁽⁴⁾, in which it is recognised that health systems play an important role in reducing the risk of poverty or may help to reduce poverty,
- having regard to the Council's conclusions of 1 December 2014 on innovation for the benefit of patients ⁽⁵⁾,
- having regard to the conclusions of the Employment, Social Policy, Health and Consumer Affairs Council's informal meeting on health of 18 April 2016,
- having regard to the Commission's 6th Report on the Monitoring of Patent Settlements in the pharmaceutical sector,
- having regard to the Commission's communication entitled 'Safe, innovative and accessible medicines: a renewed vision for the pharmaceutical sector' (COM(2008)0666),
- having regard to paragraphs 249 and 250 of the judgment of the Court of Justice of 14 February 1978 in Case 27/76 on excessive prices,

⁽¹⁾ OJ C 24, 22.1.2016, p. 119.

⁽²⁾ http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_sante_144_health_technology_assessments_en.pdf

⁽³⁾ http://ec.europa.eu/health/technology_assessment/docs/2014_strategy_eucooperation_hta_en.pdf

⁽⁴⁾ http://ec.europa.eu/health/social_determinants/docs/healthinequalitiesineu_2013_en.pdf

⁽⁵⁾ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lssa/145978.pdf

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- having regard to the Council's conclusions of 17 June 2016 on strengthening the balance in the pharmaceutical systems in the EU and its Member States,
- having regard to Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC ⁽¹⁾,
- having regard to the Report of the United Nations Secretary-General's High Level Panel on access to medicines — Promoting innovation and access to health technologies, published in September 2016,
- having regard to the Council's conclusions of 10 May 2006 on common values and principles in EU health systems, and the conclusions of the Employment, Social Policy, Health and Consumer Affairs Council of 6 April 2011 and of 10 December 2013 on the reflection process on modern, responsive and sustainable health systems,
- having regard to the Commission's communication entitled 'Effective, accessible and resilient health systems' (COM(2014)0215),
- having regard to the study entitled 'Towards a Harmonised EU Assessment of the Added Therapeutic Value of Medicines', published by its Policy Department 'Economic and Scientific Policy' in 2015 ⁽²⁾,
- having regard to the World Health Organisation report entitled 'WHO Expert Committee on the Selection of Essential Drugs, 17-21 October 1977 — WHO Technical Report Series, No 615', the report by the WHO Secretariat of 7 December 2001 entitled 'WHO medicines strategy: Revised procedure for updating WHO's Model List of Essential Drugs' (EB109/8); the WHO report of March 2015 entitled 'Access to new medicines in Europe' and the WHO Report of 28 June 2013 entitled 'Priority Medicines for Europe and the World',
- having regard to Regulation (EC) No 141/2000 on orphan medicinal products,
- having regard to Article 35 of the Charter of Fundamental Rights of the European Union and Article 6(a) TFEU on the right to health protection for European citizens,
- having regard to Articles 101 and 102 TFEU laying down rules on competition,
- having regard to the Doha Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health (WTO/MIN(01/DEC/2) and to the implementation of Paragraph 6 of the Doha Declaration of 1 September 2003 (WTO/L/540),
- having regard to Regulation (EC) No 816/2006 on compulsory licensing of patents relating to the manufacturer of pharmaceutical products for export to countries with public health problems,
- having regard to the joint procurement agreement approved by the Commission on 10 April 2014 ⁽³⁾,
- having regard to the Nairobi Conference of 1985 on the rational use of drugs,
- having regard to the report on the amendment of Regulation (EC) No 726/2004 approved by the Committee on the Environment, Public Health and Food Safety (A8-0035/2016) and the amendments adopted by Parliament on 10 March 2016 ⁽⁴⁾,

⁽¹⁾ OJ L 293, 5.11.2013, p. 1.

⁽²⁾ [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/542219/IPOL_STU\(2015\)_542219_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/542219/IPOL_STU(2015)_542219_EN.pdf)

⁽³⁾ http://ec.europa.eu/health/preparedness_response/docs/jpa_agreement_medicalcounter_measures_en.pdf

⁽⁴⁾ Texts adopted, P8_TA(2016)0088.

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- having regard to its resolution of 16 September 2015 on the Commission Work Programme 2016 ⁽¹⁾,
 - having regard to its resolution of 11 September 2012 on voluntary and unpaid donation of tissues and cells ⁽²⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Development, the Committee on Legal Affairs and the Committee on Petitions (A8-0040/2017),
- A. whereas the Charter of Fundamental Rights of the European Union recognises the fundamental right of citizens to health and medical treatment ⁽³⁾;
- B. whereas public health systems are crucial to guaranteeing universal access to health care, a fundamental right of European citizens; whereas health systems in the EU face challenges such as an ageing population, the increasing burden of chronic illnesses, the high cost of development of new technologies, high and rising pharmaceutical expenses, and the effects of the economic crisis on healthcare spending; whereas expenditure in the pharmaceutical sector in the EU accounted for 17,1 % of total health expenditure and 1,41 % of gross domestic product (GDP) in 2014; whereas these challenges prompt the need for European cooperation and new policy measures at both EU and national level;
- C. whereas pharmaceuticals are one of the pillars of healthcare rather than a mere object of trade, and whereas insufficient access to essential medicinal products and high prices of innovative medicines pose a serious threat to the sustainability of national health care systems;
- D. whereas patients should have access to the healthcare and treatment options of their choice and preference, including to complementary and alternative therapies and medicines;
- E. whereas ensuring patient access to essential medicines is one of the core objectives of the EU and the WHO, and of UN Sustainable Development Goal 3; whereas universal access to medicines depends on their timely availability and their affordability for everyone, without any geographical discrimination;
- F. whereas competition is an important factor in the overall balance of the pharmaceutical market and can lower costs, reduce expenditure on medicines and improve timely access for patients to affordable medicines, with higher quality standards being observed in the research and development process;
- G. whereas the entry of generics onto the market is an important mechanism for increasing competition, reducing prices and ensuring the sustainability of healthcare systems; whereas the market entry of generics should not be delayed and competition should not be distorted;
- H. whereas an healthy and competitive market for medicinal products benefits from vigilant competition law scrutiny;
- I. whereas, in many cases, the prices of new medicines have increased during the past few decades to the point of being unaffordable to many European citizens and of threatening the sustainability of national health care systems;

⁽¹⁾ Texts adopted, P8_TA(2015)0323.

⁽²⁾ OJ C 353 E, 3.12.2013, p. 31.

⁽³⁾ The right to health care is the economic, social and cultural right to a universal minimum standard of health care to which all individuals are entitled.

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- J. whereas in addition to high prices and unaffordability, other barriers to access to medicines include shortages of essential and other medicines, the poor connection between clinical needs and research, lack of access to healthcare and healthcare professionals, unjustified administrative procedures, delays between marketing authorisation and subsequent pricing and reimbursement decisions, unavailability of products, patent rules and budget restrictions;
- K. whereas diseases such as hepatitis C can successfully be combated with early diagnosis, combined with new and old medicines, saving millions of people across the EU;
- L. whereas the number of people diagnosed with cancer is rising every year, and the combination of increased cancer incidence in the population and new technologically advanced cancer medicines has resulted in a situation where the total cost of cancer is rising, which puts an unprecedented demand on healthcare budgets and makes treatment unaffordable for many cancer patients, raising the risk that affordability or pricing of the medication will become a deciding factor in a patient's cancer treatment;
- M. whereas Regulation (EC) No 1394/2007 on advanced therapy medicinal products was introduced to promote EU-wide innovation in this area while ensuring safety, but only eight novel therapies have been approved to date;
- N. whereas the EU has had to introduce incentives to promote research in areas such as rare diseases and paediatric diseases; whereas the Orphan Medicinal Products Regulation has provided an important framework for promoting research on orphan medicines, considerably improving the treatment of rare diseases for which no alternative existed previously, but whereas there are, however, concerns about its implementation;
- O. whereas the gap between growing resistance to antimicrobial agents and the development of new antimicrobial agents is widening, and whereas drug-resistant diseases could cause 10 million deaths annually worldwide up to 2050; whereas it is estimated that every year in the EU, at least 25 000 people die of infections caused by resistant bacteria, to an annual cost of EUR 1,5 billion, while only one novel class of antibiotics has been developed in the past 40 years;
- P. whereas significant progress has been made in recent decades as regards treating previously incurable diseases, with the result, to give one example, that no more patients die of HIV/AIDS in the EU today; whereas, however, there are still many diseases against which there are no optimal treatments (including cancer, which kills almost 1,3 million individuals in the EU every year);
- Q. whereas access to affordable and suitable diagnostic tests and vaccines is as critical as access to safe, effective and affordable medicines;
- R. whereas advanced therapy medicinal products (ATMPs) have the potential to reshape the treatment of a wide range of conditions, particularly in disease areas where conventional approaches are inadequate, and whereas only few ATMPs have been authorised so far;
- S. whereas certain essential medicines are not available in many Member States, which can lead to problems with regard to patient care; whereas a number of medicine shortages can occur either because of illegitimate business strategies, such as 'pay for delay' in the pharmaceutical sector, or political, manufacturing or distribution issues, or parallel trade; whereas Article 81 of Directive 2001/83/EC stipulates measures to prevent pharmaceutical shortages by means of a so-called public service obligation (PSO), which obligates manufacturers and distributors to safeguard supplies to national markets; whereas, in many cases, the PSO is not applied to manufacturers supplying the distributors, as indicated in a study commissioned by the Commission;

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- T. whereas a stable and predictable intellectual property and regulatory framework, as well as the proper and timely implementation thereof, are essential to creating an innovation-friendly environment, supporting patient access to innovative and effective treatments;
- U. whereas the aim of intellectual property is to benefit society and promote innovation, and whereas there is concern about the abuse/misuse thereof;
- V. whereas since 1995 the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS agreement) provides for patent flexibilities, such as compulsory licensing;
- W. whereas a European Medicines Agency (EMA) pilot project launched in 2014 known as 'adaptive pathways', which applies primarily to treatments in areas of high unmet medical need, has generated intense debate of the risk/benefit ratio of granting earlier market access to innovative medicines on the basis of less clinical data;
- X. whereas intellectual property protection is essential in the field of access to medicines, and whereas there is a need to identify mechanisms that can help combat the phenomenon of counterfeit medicines;
- Y. whereas several years ago, a high-level European dialogue bringing together the key decision-makers and stakeholders in the health world (the 'G10' in 2001-2002, followed by the Pharmaceutical Forum in 2005-2008) decided to develop a shared strategic vision and to take specific steps to help with the competitiveness of the pharmaceutical sector;
- Z. whereas only around 3 % of health budgets goes towards measures to prevent and promote public health;
- AA. whereas pricing and reimbursement of medicinal products are Member State competences and are regulated at national level; whereas the EU provides legislation on intellectual property, clinical trials, marketing authorisation, transparency in pricing, pharmacovigilance and competition; whereas the growing expenditure in the pharmaceutical sector, as well as the observed asymmetry in the negotiation capacities and information on pricing between pharmaceutical companies and Member States, prompts further European cooperation and new policy measures at both European and national level; whereas the prices of medicines are usually negotiated by means of bilateral and confidential negotiations between the pharmaceutical industry and Member States;
- AB. whereas a majority of Member States have their own health technology assessment agencies, each with its own criteria;
- AC. whereas under Article 168 TFEU, Parliament and the Council can, in order to meet common safety concerns, adopt measures setting high standards of quality and safety for medicinal products, and whereas, in accordance with Article 114(3) TFEU, legislative proposals in the health sector shall take as a base a high level of protection;

Pharmaceutical market

1. Shares the concern expressed in the 2016 Council conclusions on strengthening the balance in the pharmaceutical systems in the EU;
2. Welcomes the Council conclusions of 17 June 2016 inviting the Commission to conduct an evidence-based analysis of the overall impact of intellectual property (IP) on innovation as well as on the availability — inter alia supply shortages and deferred or missed market launches — and accessibility of medicinal products;
3. Reiterates that the right to health is a human right recognised in both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and that this right concerns all Member States, given that they have ratified international human rights treaties that recognise the right to health; points out that for this right to be guaranteed, access to medicine, among other factors, must be ensured;

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4. Recognises the value of citizens' initiatives such as the European Charter of Patients' Rights, based on the Charter of Fundamental Rights of the European Union, and the European Patients' Rights Day celebrated each year on 18 April at local and national level in the Member States; invites the Commission to institutionalise the European Patients' Rights Day at EU level;
5. Points to the conclusions of the informal Council meeting of healthcare ministers held in Milan on 22 and 23 September 2014 during the Italian Council Presidency, at which occasion many Member States agreed on the need to make joint efforts to facilitate the sharing of best practices and enable swifter access for patients;
6. Stresses the need for consistency between all EU policies (global public health, development, research and trade) and underlines, therefore, that the issue of access to medicines in the developing world must be seen in a broader context;
7. Highlights the importance of both public and private R&D efforts in discovering new treatments; stresses that research priorities must address patients' health needs, while recognising the interest of pharmaceutical companies to generate financial returns on their investment; stresses that the regulatory framework must facilitate the best possible outcome for patients and public interest;
8. Stresses that the high level of public funds used for R&D is not reflected in the pricing owing to the lack of traceability of the public funds in the patenting and licensing conditions, impeding a fair public return on public investment;
9. Encourages more transparency in the cost of R&D, including the proportion of publicly funded research and the marketing of medicines;
10. Underlines the role of European research projects and SMEs in improving access to medicines at the EU level; highlights the role of Horizon 2020 programme in this regard;
11. Recalls that the EU pharmaceutical industry is one of the most competitive industries in the Union; stresses that preserving a high level of quality of innovation is key to addressing patients' needs and to improving competitiveness; stresses that healthcare expenditure should be considered a public investment, and that quality medicines can improve public health and enable patients to live longer and healthier lives;
12. Stresses that in a European Union which is suffering deindustrialisation, the pharmaceutical sector remains an important industrial pillar and a driving force for job creation;
13. Believes that the opinions of European citizens voiced in petitions to the European Parliament are of fundamental importance and should be addressed by the European legislator as a matter of priority;
14. Stresses that patients' organisations should be involved in a better way in the definition of private and public clinical trials research strategies, to ensure that they meet the true unmet needs of the European patients;
15. Notes that it is in the interests of patients, in cases of unmet medical needs, to obtain fast access to new innovative medicines; stresses, however, that the fast-tracking of marketing authorisations should not become the rule, but should only be used in cases of high unmet medical need and must not be motivated by commercial considerations; recalls that robust clinical trials and thorough pharmacovigilance monitoring are necessary to assess the quality, efficacy and safety of new medicines;
16. Notes with concern that 5 % of all hospital admissions in the EU are due to adverse drug reactions (ADRs) and that ADRs are the fifth leading cause of hospital death;

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17. Draws attention to the Declaration on the TRIPS Agreement and Public Health, adopted in Doha on 14 November 2001, which states that the TRIPS agreement should be implemented and interpreted in a way that is good for public health — encouraging both access to existing medicines and the development of new ones; takes note, in this regard, of the decision of 6 November 2015 of the WTO TRIPS Council to extend the drug patent exemption for the least developed countries (LDCs) until January 2033;

18. Highlights the critical need to develop local capacities in developing countries, in terms of pharmaceutical research, in order to bridge the persisting gap in research and medicines production through product-development public-private partnerships and the creation of open centres of research and production;

Competition

19. Deplores the litigation cases aiming to delay generic entry; notes that, according to the final report of the Commission's Pharmaceutical Sector Inquiry, the number of litigation cases quadrupled between 2000 and 2007, that almost 60 % of the cases concerned second generation patents and that they took, on average, two years to be resolved;

20. Stresses that better regulation will promote competitiveness; also recognises the importance and effectiveness of antitrust tools against anti-competitive behaviours such as the abuse or misuse of patent systems and of the system for authorisation of medicines, in violation of Articles 101 and/or 102 of the TFEU;

21. Points out that biosimilar medicines enable increased competition, reduced prices and savings for healthcare systems, thus helping to improve access to medicines for patients; stresses that the added value and economic impact of biosimilar medicines on the sustainability of healthcare systems should be analysed, their market entry should not be delayed, and, where necessary, measures to support their introduction to the market should be examined;

22. Highlights that value-based pricing of medicines can be misused as a profit- maximisation economic strategy, leading to the setting of prices that are disproportionate to the cost structure, running counter to an optimal distribution of social welfare;

23. Recognises that off-label use of medicines can bring benefits to patients when approved alternatives are absent; notes with concern that patients are subjected to growing risks owing to the lack of a solid evidence base proving the safety and efficacy of off-label use, to the lack of informed consent and to increased difficulty in monitoring adverse effects; underlines that certain population sub-groups, such as children and the elderly, are particularly exposed to this practice;

Pricing and transparency

24. Points out that patients are the weakest link in access to medicines, and that difficulties with accessing medicines should not have negative repercussions for them;

25. Notes that most national and regional health technology assessment agencies are already using various clinical, economic and social benefit criteria to evaluate new medicines in order to support their decisions on pricing and reimbursement;

26. Stresses the importance of assessing the real therapeutic, evidence-based added value of new medicines, as compared to the best available alternative;

27. Notes with concern that data supporting the assessment of the added value of innovative medicines is often scarce and not sufficiently convincing to support solid decision-making on pricing;

28. Stresses that health technology assessments (HTA) must be an important and effective instrument for improving access to medicines, contributing to the sustainability of national healthcare systems, allowing for the creation of incentives for innovation, and delivering high therapeutic added value to patients; notes, in addition, that the introduction of joint HTAs at EU level would avoid the fragmentation of assessment systems, the duplication of efforts and the misallocation of resources within the EU;

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29. Points out that, with a view to developing safe and effective patient-oriented health policies and to making health technology as effective as possible, evaluating that technology should be a multidisciplinary process that summarises the medical, social, economic and ethical information on the use of the technology by employing high standards, and by doing so in a systematic, independent, objective, reproducible and transparent manner;

30. Considers that the price of a medicine should cover the cost of the development and production of that medicine, and should be adequate for the specific economic situation of the country in which it is marketed, as well as being in line with the therapeutic added value it brings to patients, while ensuring patient access, sustainable healthcare and reward for innovation;

31. Points out that even when a new medicine is of high added value, the price should not be so high as to prevent sustainable access to it in the EU;

32. Believes that the real therapeutic added value of a medicine, the social impact, the cost benefit, the budget impact, and the efficiency for the public health system, all need to be taken into account when determining the pricing and reimbursement procedures for medicines;

33. Notes with concern that, owing to the lower negotiating power of small and lower income countries, medicines are comparatively less affordable in such Member States, especially in the field of oncology; regrets, in the context of international reference pricing, the lack of transparency in list prices of medicines, as compared to actual prices, and the information asymmetry this brings to negotiations between industry and national health systems;

34. Points out that Directive 89/105/EEC ('the Transparency Directive') has not been revised in 20 years and that, in the meantime, important changes have taken place in the medicine system in the EU;

35. Underlines, in this context, the need for independent processes of data collection and analysis and for transparency;

36. Notes that the EURIPID project needs more transparency from Member States to include the real prices paid by them;

37. Believes that a strategic breakthrough is needed in the area of disease prevention, as it can be considered a key factor in reducing the use of medicines and in guaranteeing, at the same time, a high level of human health protection; calls on the EU and the Member States to reinforce legislation aimed at supporting sustainable food production, and to take all necessary initiatives to promote healthy and safe habits such as healthy nutrition;

EU competences and cooperation

38. Recalls that under Article 168 TFEU, a high level of human health protection is to be ensured in the definition and implementation of all Union policies and activities;

39. Stresses the importance of enhancing transparency and of increasing voluntary collaboration among Member States in the field of pricing and reimbursement of medicinal products, in order to ensure the sustainability of healthcare systems and preserve the rights of European citizens to access quality healthcare;

40. Recalls that transparency in all EU and national institutions and agencies is crucial to the well functioning of democracy, and that experts involved in the authorisation process should have no conflicts of interest;

41. Welcomes initiatives such as the Innovative Medicines Initiative (IMI), which bring together the private and public sectors in order to stimulate research and accelerate patients' access to innovative therapies addressing unmet medical needs; regrets, however, the low level of public return on public investment in the absence of access conditionalities to EU public funding; further notes that IMI 2, the second and current phase of IMI, is largely financed by EU taxpayers, highlighting the necessity of enhanced EU leadership in prioritising public health needs for IMI 2 research and in the inclusion of broad data sharing, shared health IP management policies, transparency and a fair public return on investment;

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42. Highlights the EU procedure for joint procurement of medicines used for the acquisition of vaccines in accordance with Decision No 1082/2013/EU; encourages Member States to make full use of this tool, for example in case of shortages of infant vaccines;

43. Notes with concern that the EU lags behind the USA as regards a standardised and transparent reporting mechanism on the causes of medicines shortages; invites the Commission and the Member States to propose, and to put in place, such an instrument for evidence-based policy-making;

44. Recalls the importance of the digital health agenda and the need to prioritise the development and the implementation of eHealth- and mHealth-related solutions to ensure safe, reliable, accessible, modern and sustainable new health care models to patients, caregivers, healthcare professionals and payers;

45. Recalls that LDCs are the most affected by poverty-related diseases, especially HIV/AIDS, malaria, tuberculosis, diseases of the reproductive organs, and infectious and skin diseases;

46. Highlights the fact that, in developing countries, women and children have less access to medicines than adult men owing to the lack of availability, accessibility, affordability and acceptability of treatment as a result of discrimination based on cultural, religious or social factors and of poor-quality health facilities;

47. Considering that tuberculosis has become the world's leading infectious killer and that the most dangerous form of the disease is the multi-drug resistant one; underlines the importance of tackling the emerging antimicrobial resistance (AMR) crisis, including through the funding of research and development for new tools for vaccines, diagnostics and treatment for tuberculosis, while ensuring sustainable and affordable access for those new tools, to make sure that no one is left behind;

Intellectual Property (IP) and Research and Development (R&D)

48. Recalls that IP rights allow a period of exclusivity that needs carefully and effectively to be regulated, monitored and implemented by the competent authorities with a view to avoiding conflict with the fundamental human right to health protection while promoting quality innovation and competitiveness; emphasises that the European Patent Office (EPO) and the Member States should only grant patents on medicinal products that strictly fulfil the patentability requirements of novelty, inventive step and industrial applicability, as enshrined in the European Patent Convention;

49. Emphasises that, while some new medicines are examples of breakthrough innovations, other new medicines demonstrate insufficient therapeutic added value to be deemed genuine innovations ('me-too' substances); recalls that incremental innovation may also be beneficial for patients and that the repurposing and reformulation of known molecules may deliver added therapeutic value, which should be carefully assessed; warns against the potential misuse of IP protection rules allowing the 'evergreening' of patent rights and avoidance of competition;

50. Acknowledges the positive impact of Regulation (EC) No 141/2000 on the development of orphan medicines, which has enabled a number of innovative products for patients deprived of treatment to be placed on the market; notes the concerns surrounding the possible incorrect application of orphan medicinal products designation criteria and the possible effect of this on the growing number of orphan medicines authorisations; recognises that orphan medicines may also be used off-label, or repurposed and authorised for additional indications allowing for increased sales; calls on the Commission to ensure balanced incentives without discouraging innovation in this area; stresses that the provisions in the orphan medicinal products regulation should only be applicable if all the relevant criteria are fulfilled;

51. Notes the fact that the WTO TRIPS agreement provides flexibilities to patent rights, such as compulsory licensing, which have effectively brought prices down; notes that these flexibilities can be used as an effective tool in exceptional circumstances established by the law of each WTO member to address public health problems, in order to be able to provide essential medicines at affordable prices under domestic public health programmes and to protect and promote public health;

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Recommendations

52. Calls for national and EU-wide measures to guarantee the right of patients to universal, affordable, effective, safe and timely access to essential and innovative therapies, to guarantee the sustainability of EU public healthcare systems, and to ensure future investment in pharmaceutical innovation; stresses that patient access to medicines is a shared responsibility of all actors of the healthcare system;
53. Calls on the Council and the Commission to reinforce the negotiation capacities of Member States in order to ensure affordable access to medicines across the EU;
54. Notes the report of the United Nations Secretary-General's High-Level Panel on access to medicines;
55. Notes that the repurposing of existing drugs for new indications can be accompanied by a price increase; asks the Commission to collect and analyse data on price increases in cases of drug repurposing and to report back to Parliament and to the Council on the balance and proportionality of the incentives that encourage industry to invest in drug repurposing;
56. Calls on the Member States to develop closer collaboration in order to fight such market fragmentation, in particular by developing shared HTA processes and results, and to work on shared criteria to instruct price and reimbursement decisions at national level;
57. Calls on the Commission to revise the Transparency Directive with a focus on guaranteeing timely entry into the market for generic and biosimilar medicines, ending patent linkage according to the Commission's guidelines, accelerating pricing and reimbursement decisions for generics, and precluding the multiple reassessment of the elements supporting marketing authorisation; believes that this will maximise savings for national health budgets, improve affordability, accelerate patient access and prevent administrative burdens for generic and biosimilar companies;
58. Calls on the Commission to propose a new directive on transparency of price-setting procedures and reimbursement systems, taking into account the challenges of the market;
59. Calls for a new Transparency Directive to replace Directive 89/105/EEC with the aim of ensuring effective controls and full transparency on the procedures used to determine the prices and the reimbursement of medicinal products in the Member States;
60. Calls on the Member States to implement Directive 2011/24/EU on the application of patients' rights in cross-border healthcare in a fair way, avoiding limitations to the application of the rules on reimbursement of cross-border healthcare, including the reimbursement of medicines, that could constitute a means of arbitrary discrimination or an unjustified obstacle to free movement;
61. Calls on the Commission to monitor and assess in an effective way the implementation of Directive 2011/24/EU in the Member States, and to plan and carry out a formal evaluation of this directive that includes complaints, infringements and all transposition measures;
62. Calls on the Commission and the Member States to foster R&D driven by patients' unmet needs, such as by researching new antimicrobials, coordinating public resources for healthcare research in an effective and efficient manner, and promoting the social responsibility of the pharmaceutical sector;
63. Calls on the Member States to build on the example of existing initiatives in the EU aimed at promoting independent research in areas of interest to national health services that are insufficiently addressed by commercial research (e.g. AMR) and to patient populations normally excluded by clinical studies, such as children, pregnant women and the elderly;
64. Highlights the threat of growing antimicrobial resistance and the urgency of the threats of AMR recently recognised by the UN; calls on the Commission to increase its actions to combat AMR, to promote R&D in this area, and to present a new and comprehensive EU Action Plan based on the 'One Health' approach;

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65. Acknowledges that the incentives put forward by the Paediatric Medicines Regulation (EC) No 1901/2006 have not proved effective in driving innovation in medicines for children, namely in the fields of oncology and neonatology; calls on the Commission to examine existing obstacles and to propose measures to promote advancement in this area;
66. Calls on the Commission to promote initiatives for guiding public and private-sector research towards bringing out innovative medicines for curing childhood illnesses;
67. Calls on the Commission to begin immediate work on the report required under Article 50 of the Paediatric Medicines Regulation, and to amend the legislation to address the lack of innovation in paediatric oncology treatments, by revising the criteria for allowing a Paediatric Investigation Plan (PIP) waiver and by ensuring that PIPs are implemented early in a drug's development, so that children are not waiting longer than necessary for access to innovative new treatments;
68. Calls on the Commission to promote public and private-sector research into medicines for female patients, to remedy gender inequality in research and development and to allow all citizens to benefit from fairer access to medicines;
69. Urges the Commission and the Member States to adopt strategic plans to ensure access to life-saving medicines; calls, in this regard, for the coordination of a plan to eradicate hepatitis C in the EU using tools such as European joint procurement;
70. Calls for the framework conditions in the areas of research and medicine policy to be established in a way that promotes innovation, particularly against diseases, such as cancer, that cannot yet be treated to a satisfactory degree;
71. Calls on the Commission to take further action to foster the development of, and patient access to, ATMPs;
72. Calls on the Commission to analyse the overall impact of IP on innovation on, and on patient access to, medicines, by means of a thorough and objective study, as requested by the Council in conclusions of 17 June 2016, and, in particular, to analyse in this study the impact of supplementary protection certificates (SPCs), data exclusivity and market exclusivity on the quality of innovation and competition;
73. Calls on the Commission to evaluate the implementation of the regulatory framework for orphan medicines (especially as regards the concept of unmet medical need, how this concept is interpreted and what criteria need to be fulfilled in order to identify unmet medical need), to provide guidance on priority unmet medical need, to evaluate existing incentive schemes to facilitate the development of effective, safe and affordable medicines for rare diseases compared to the best available alternative, to promote the European register of rare diseases and reference centres, and to ensure the legislation is correctly implemented;
74. Welcomes the pharmacovigilance legislation of 2010 and 2012; calls on the Commission, the EMA and the Member States to continue the monitoring and public reporting of the implementation of the pharmacovigilance legislation, and to guarantee post-authorisation assessments of the effectiveness and adverse effects of medicines;
75. Calls on the Commission to collaborate with the EMA, and with stakeholders, with a view to introducing a Code of Practice for mandatory reporting of adverse events and of outcomes for off-label use of medicines, and to ensuring patients' registries in order to strengthen the evidence base and mitigate risks for patients;
76. Calls on the Commission to promote open data in research on medicines where public funding is involved, and to encourage conditions such as affordable pricing and non-exclusivity, or co-ownership of IP for projects funded by EU public grants such as Horizon 2020 and IMI;
77. Calls on the Commission to promote ethical behaviour and transparency in the pharmaceutical sector, especially regarding clinical trials and the real cost of R&D, in the authorisation and assessment of innovation procedure;

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78. Notes the use of adaptive pathways to promote faster access to medicines for patients; underlines the higher degree of uncertainty regarding the safety and effectiveness of a new medicine when it enters the market; highlights the concern expressed by healthcare professionals, civil society organisations and regulators regarding adaptive pathways; stresses the crucial importance of the proper implementation of the post-marketing surveillance system; considers that adaptive pathways should be restricted to specific cases of high unmet medical need, and calls on the Commission and the EMA to put in place guidelines to ensure patient safety;

79. Calls on the Commission to guarantee a thorough assessment of quality, safety and efficacy in any fast-track approval process, and to ensure that such approvals are made possible by means of conditional authorisation, and only in exceptional circumstances where a clear unmet medical need has been identified, and to ensure that a transparent and accountable post-authorisation process to monitor safety, quality and efficacy is in place, as well as sanctions for non-compliance;

80. Calls on the Commission and the Member States to set up a framework to promote, guarantee and reinforce the competitiveness and use of generic and biosimilar medicines, guaranteeing their faster entry onto the market and monitoring unfair practices in accordance with Articles 101 and 102 TFEU, and to present a biannual report in this regard; calls as well on the Commission to monitor patent settlement agreements between originator and generic industry that may be misused to restrict the market entry of generics;

81. Calls on the Commission to continue and, where possible, to intensify the monitoring and investigation of potential cases of market abuse, including so-called 'pay for delay', excessive pricing and other forms of market restriction specifically relevant to the pharmaceutical companies operating within the EU, in accordance with Articles 101 and 102 TFEU;

82. Calls on the Commission to introduce an SPC manufacturing waiver to Regulation (EC) No 469/2009 allowing the production of generic and biosimilar medicines in Europe, with the purpose of exporting them to countries without SPCs or where these have expired earlier, without undermining the 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 countries and LDCs, and on increasing manufacturing and R&D in the EU, creating new jobs and stimulating economic growth;

83. Calls on the Commission to observe and reinforce the EU competition legislation and its competencies on the pharmaceutical market in order to counter abuse and promote fair prices for patients;

84. Calls on the Commission to enhance dialogue on unmet medical needs between all relevant stakeholders, patients, healthcare professionals, regulators, HTA bodies, payers and developers throughout the life spans of medicines;

85. Calls on the Commission to propose legislation on a European system for health technology assessment as soon as possible, to harmonise transparent HTA criteria in order to assess the added therapeutic value of medicines compared with the best available alternative taking into account the level of innovation and value for the patients among others, to introduce compulsory relative effectiveness assessments at EU level as a first step for new medicines, and to put in place a European classification system to chart their therapeutic added value level, using an independent and transparent procedure that avoids conflicts of interests; considers that such legislation shall ensure that HTA output jointly produced at EU level is used at national level; calls, furthermore, on the Commission to strengthen early dialogues and to consider a coordination mechanism based on an independent body, which could foster cooperation between national HTA bodies while at the same time ensuring that expertise on HTA remains within national (and regional) HTA;

86. Calls on the Council to increase cooperation between the Member States as regards price-setting procedures, in order that they may share information about, in particular, negotiation agreements and good practices, and avoid unnecessary administrative requirements and delays; calls on the Commission and the Council to analyse the clinical, economic and social criteria that some national HTA agencies already apply, while respecting the competences of the Member States;

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87. Calls on the Commission and the Member States to agree on a common definition of 'added therapeutic value of medicines', with the participation of expert representatives from the Member States; notes in this regard the definition of 'added therapeutic value' used for paediatric medicines;

88. Calls on the Commission and the Member States to identify and/or develop frameworks, structures and methodologies to meaningfully incorporate patient evidence at all stages of the medicines R&D cycle, from early dialogue to regulatory approval, HTA, relative effectiveness assessments, and pricing and reimbursement decision-making, with the involvement of patients and their representative organisations;

89. Calls on the Commission and the Member States to promote major public-funded investment in research based on unmet medical needs, to ensure the public a health return on public investment, and to introduce conditional funding based on non-exclusive licencing and affordable medicines;

90. Calls on the Council to promote rational use of medicines across the EU, promoting campaigns and educational programmes aimed at making citizens aware of the rational use of medicines, with the goal of avoiding overconsumption, in particular of antibiotics, and promoting the use of prescriptions by active principles by healthcare professionals and the generic medicines administration;

91. Calls on the Member States to ensure accessibility of pharmacies, including their density in both urban and rural areas, professional staff number, appropriate opening hours, qualitative advice and counselling service;

92. Calls on the Commission and the Council to develop measures that ensure affordable patient access to medicines, and benefit to society, whilst avoiding any unacceptable impact on healthcare budgets, to employ different measures, such as horizon scanning, early dialogue, innovative pricing models, voluntary joint procurements and voluntary cooperation in price negotiations, as is the case in the initiative between the Benelux countries and Austria, and to explore the numerous tools based on delinkage mechanisms for neglected areas of research such as AMR and poverty-related diseases;

93. Calls on the Commission to define with all relevant stakeholders how the most advantageous economic tender (MEAT) criterion — as described in the Public Procurement Directive, and which does not imply only the lower cost criteria — could best apply to medicines tenders in hospitals at national level, in order to enable a sustainable and responsible supply of medicines; encourages the Member States to transpose into their national legislation, in the best way, the most economic advantageous tender criterion for medicinal products;

94. Calls on the Commission and the Member States to launch a high-level strategic dialogue with all the relevant stakeholders, together with representatives of the Commission, Parliament, the Member States, patient organisations, paying agencies, healthcare professionals, and representatives from the academic and scientific world as well as from industry, on current and future developments in the pharmaceutical system in the EU, with the aim of establishing short-, medium- and long-term holistic strategies for ensuring access to medicines and for the sustainability of healthcare systems and a competitive pharmaceutical industry, leading to affordable prices and faster access to medicines for patients;

95. Calls on the Commission and the Council to define clear rules on incompatibility, conflicts of interest and transparency in the EU institutions and for experts involved in issues related to medicines; calls on the experts involved in the authorisation process to publish their CVs and to sign declarations of absence of conflict of interest;

96. Calls on the Commission and national antitrust authorities to monitor unfair practices with a view to protecting consumers from artificially high prices on medicines;

97. Calls on the Commission and the Court of Justice of the European Union to clarify, in accordance with Article 102 TFEU, what constitutes an abuse of a dominant position by charging high prices;

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98. Calls on the Commission and the Member States to make use of the flexibilities under the WTO TRIPS agreement and to coordinate and clarify their use when necessary;

99. Calls on the Commission to submit a report, at least every five years, to the Council and to Parliament on access to medicines in the EU, and to report more regularly in cases of exceptional problems regarding access to medicines;

100. Calls on the Commission to recommend measures to improve the rate of approval of novel therapies and the supply of these to patients;

101. Calls on the Commission and the Council to formulate a better definition of the concept — and analyse the causes — of shortages of medicines, and, in this regard, to assess the impact of parallel trade and supply quotas, to establish and update together with the Member States, the EMA and relevant stakeholders a list of essential medicines which are short of supply, using the WHO list as a reference, to monitor compliance with Article 81 of Directive 2001/83/EC on shortages of supply, to explore mechanisms to address the withdrawal of effective medicines from the market purely for commercial reasons, and to take actions to remedy these shortages;

102. Calls on the Commission and Council to establish a mechanism whereby medicine shortages across the EU can be reported upon on an annual basis;

103. Calls on the Commission and Council to review the statutory basis of the EMA, and to give consideration to enhancing its remit to coordinate pan-European activity aiming at tackling medicines shortages in the Member States;

104. Stresses that building strong surveillance and delivery systems at all levels, from community to district, provincial and national, and supported by high-quality laboratory services and strong logistical systems, could make access to medicines more feasible, while the transfer of health-related technologies (through licence agreements, and the provision of information, know-how and performance skills to technical materials and equipment) to developing countries can enable recipient countries to produce the product locally, and may result in increased access to the product and improved health;

105. Calls on the Commission and the Member States to develop a single eHealth and mHealth road map, including, in particular, the development and valorisation of pilot projects at national level, the modernisation of the reimbursement models stimulating a shift towards health outcomes-driven healthcare systems and the definition of incentives to stimulate the healthcare community to engage in this digital revolution, and to enhance education of healthcare professionals, patients and all relevant stakeholders in order to enable their empowerment;

106. Encourages the Member States to evaluate healthcare pathways and policies with a view to improving patient outcomes and the financial sustainability of the system, in particular by fostering digital solutions to improve healthcare delivery to patients and to identify waste of resources;

107. Urges the EU to step up efforts to improve developing countries' capacities and help them design working health systems that aim at improving access to services, particularly for vulnerable communities;

108. Stresses that the ongoing REFIT review of the EU Tiered Pricing Regulation (EC) No 953/2003 should aim at further promoting lower prices in developing countries, and calls on the EU to open a broader and transparent discussion on pricing regulation and strategies that ensure access to quality and affordable medicines; recalls that tiered pricing does not necessarily lead to affordability, and that it is contrary to experience showing that robust generic competition and technology transfers result in lower prices;

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109. Urges the EU to step up its support of global programmes and initiatives promoting access to medicines in developing countries, as these programmes have been instrumental in advancing health goals and greatly improved access to medicines and vaccines;

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110. 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(2017)0062

Implementation of the Creative Europe programme**European Parliament resolution of 2 March 2017 on the implementation of Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC (2015/2328(INI))**

(2018/C 263/03)

The European Parliament,

- having regard to Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC ⁽¹⁾ ('the Regulation'),
- having regard to Articles 167 and 173 of the Treaty on the Functioning of the European Union,
- having regard to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 20 October 2005,
- having regard to the Joint Communication of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 8 June 2016 to the European Parliament and the Council entitled 'Towards an EU strategy for international cultural relations' (JOIN(2016)0029),
- having regard to the Commission communication of 26 September 2012 entitled 'Promoting cultural and creative sectors for growth and jobs in the EU' (COM(2012)0537),
- having regard to the Commission communication of 30 June 2010 entitled 'Europe, the world's No 1 tourist destination — a new political framework for tourism in Europe' (COM(2010)0352),
- having regard to the Commission Green Paper of 27 April 2010 entitled 'Unlocking the potential of cultural and creative industries' (COM(2010)0183),
- having regard to Regulation (EU) 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 ⁽²⁾,
- having regard to the Council conclusions of 27 May 2015 on cultural and creative crossovers to stimulate innovation, economic sustainability and social inclusion,
- having regard to its resolution of 8 September 2015 on 'Towards an integrated approach to cultural heritage for Europe' ⁽³⁾,
- having regard to its resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values ⁽⁴⁾,
- having regard to its resolution of 28 April 2015 on European film in the digital era ⁽⁵⁾,

⁽¹⁾ OJ L 347, 20.12.2013, p. 221.

⁽²⁾ OJ L 169, 1.7.2015, p. 1.

⁽³⁾ Texts adopted, P8_TA(2015)0293.

⁽⁴⁾ Texts adopted, P8_TA(2016)0005.

⁽⁵⁾ OJ C 346, 21.9.2016, p. 10.

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- having regard to the study entitled ‘European capitals of culture: success strategies and long-term effects’ conducted by Policy Department B: Structural and Cohesion Policies in 2013 at the request of the Committee on Culture and Education,
 - having regard to its resolution of 12 September 2013 on promoting the European cultural and creative sectors as sources of economic growth and jobs ⁽¹⁾,
 - having regard to its resolution of 12 May 2011 on the cultural dimensions of the EU's external actions ⁽²⁾,
 - having regard to its resolution of 12 May 2011 on unlocking the potential of cultural and creative industries ⁽³⁾,
 - having regard to the EU Work Plan for Culture for the period 2015-2018,
 - having regard to the Interinstitutional Agreement of 13 April 2016 between Parliament, the Council and the Commission on Better Law-Making, in particular paragraphs 20 to 24 thereof on ex-post evaluation of existing legislation,
 - having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Culture and Education and the opinion of the Committee on Budgets (A8-0030/2017),
- A. whereas the Creative Europe programme has the objectives of safeguarding and promoting European cultural and linguistic diversity, and while promoting Europe's cultural heritage on the one hand and strengthening the competitiveness of the European cultural and creative sectors on the other;
- B. whereas culture is a key factor in promoting European integration;
- C. whereas Creative Europe, in particular its Culture sub-programme, is seriously underfinanced and is consequently struggling to meet high expectations;
- D. whereas, under Articles 3 and 4 of the Regulation, the promotion of European cultural and linguistic diversity and of Europe's cultural heritage — and more specifically the promotion of the transnational circulation of cultural and creative works — are among the basic objectives of the programme;
- E. whereas, under Article 12 of the Regulation, the promotion of transnational circulation and mobility — and specifically support for the circulation of European literature with a view to ensuring its widest possible accessibility — are among the priorities of the Culture sub-programme;
- F. whereas the structure of a single programme poses advantages leading to a critical mass being reached and potentially gives visibility to areas still underestimated and facing the same challenges as regards fragmentation, globalisation, lack of data and difficulties in accessing credit;
- G. whereas the structure of the programme in two sub-programmes, preserving the particularities and identity of both, and the addition of a cross-sectoral strand is an asset in providing a better understanding of cooperation and developments in the cultural field, linking up with third countries;

⁽¹⁾ OJ C 93, 9.3.2016, p. 95.

⁽²⁾ OJ C 377 E, 7.12.2012, p. 135.

⁽³⁾ OJ C 377 E, 7.12.2012, p. 142.

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- H. whereas the cross-sectoral strand has only partially developed its strategic goal of promoting transnational and trans-sectoral cultural cooperation;
- I. whereas Creative Europe allows for cooperation and joint action with countries not participating in the programme, and with international organisations which are active in the cultural and creative sectors, such as UNESCO, the Council of Europe and the Organisation for Economic Cooperation and Development, on the basis of a joint contribution in the pursuit of the programmes objectives;
- J. whereas the system of performance indicators provided for in Article 18 of the Regulation, including indicators for the general objectives of the programme, indicators attached to the MEDIA and Culture sub-programmes respectively and specific indicators concerning the Guarantee Facility instrument, has not been set or become operational to date;
- K. whereas the current evaluation system has proved unsuited to the nature and specific nature of the programme and should therefore be improved;
- L. whereas specific actions, such as the European Capitals of Culture initiative, including its network, prizes and the European Heritage Label, have revealed the potential for sustainable local economic development and cultural tourism and should therefore be enhanced and promoted more proactively;
- M. whereas a specific call for refugees joining in European society was launched in 2016 within the cross-sectoral strand, to promote and support creativity and intercultural dialogue;
- N. whereas the 'cooperation projects' funding area of the Culture sub-programme takes up around 70 % of the sub-programme's budget, is highly popular among cultural operators and is aimed at common approaches on a cross-border basis, allowing an open formulation of unpredictable, highly innovative and creative projects, which are explicitly welcomed;
- O. whereas, although the regulation provides for the establishment of bilateral agreements with third countries with a view to their participation in the programme or parts of it, to date only a few countries have completed the procedure;
- P. whereas, thanks to Parliament's action, culture, cultural and creative industries (CCIs) and the audiovisual sector have been included, albeit inadequately, in the Erasmus+, Horizon 2020 and Cosme multiannual programmes, the Structural Funds, and the priorities of the European Investment Strategic Fund (EISF);
- Q. whereas there is a strong synergy between informal learning and the creative and media sector, as many arts, media and culture organisations provide informal education opportunities;
- R. whereas the proportion of successful applicants is 15 % in Culture and 44 % in MEDIA, but even lower (32 %) in the latter sub-programme if automatic schemes are excluded;
- S. whereas MEDIA has so far registered a total of 13 000 applications, and awarded more than 5 500 projects;
- T. whereas the automatic points system in MEDIA, which is aimed at ensuring, a level playing field between the Member States, leads to market distortion and heavily penalises countries with high audiovisual production capacity;
- U. whereas the type of grants awarded for cooperation projects within the culture sub-programme of Creative Europe fails to fit the needs of networks, which rely on operational structure and activities, as in the previous programme Culture 2007-2013;

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- V. whereas the administrative management (application, evaluation and reporting processes) has been criticised by stakeholders as still being burdensome; stresses, therefore, the need for simplification of the application procedure in order to facilitate access to the programme and to encourage participation among potential beneficiaries;
- W. whereas the Creative Europe Desks (CEDs) are the crucial intermediary between the Commission, the Education, Audiovisual and Culture Executive Agency (EACEA) and the applicants, and whereas they should be better informed about the ongoing decision-making process and should be closely involved in providing information on projects and promoting their results;
- X. whereas the operators deplore the high administrative burden in the application process, which includes extensive guidelines and a large number of documents with sometimes contradictory information;
- Y. whereas the registering of companies within the European Commission Authentication Service (ECAS) system is reported as problematic; whereas, however, the e-form is greatly welcomed;
1. Urges the Member States to increase the Creative Europe budget to bring it into line both with the expectations of European citizens and with the ambitions of each sub-programme, thus accepting that the values of cultural production cannot be gauged in terms of economic figures alone and enabling more efficiency and better results;
2. Welcomes a number of streamlining measures in terms of programme management that have been in place since 2014;
3. Regrets that a lack of financial capacity continues to be one of the main obstacles for potential applicants, along with administrative and regulatory obstacles; encourages the Commission, the EACEA and the Creative Europe national desks to try to address the under-representation of micro- cultural operators among funded organisations and certain sectors in the Culture sub-programme;
4. Asks the Commission to enhance the programme's consistency with all relevant EU policies and other funding sources;
5. Asks the Commission to ensure a good coordination between the DGs in charge of Creative Europe, as well as with the EACEA and CED, taking care of the different phases in the implementation of Creative Europe, recalling that the role of CED and the EACEA is crucial as it involves direct links not only with beneficiaries, but the whole cultural and creative sector;
6. Asks the Commission to work as close as possible with UNESCO, the Council of Europe and the OECD in order to develop a stronger basis of joint contributions in the pursuit of programme objectives and impact evaluation, especially in the international dimension and in terms of respect for the specific human and economic values of culture and creation;
7. Calls on the Commission to retain the present structure of Creative Europe, while examining and better defining the specificities of the two different sub-programmes, to strengthen the potential of the cross-sectoral strand, and to verify whether the Guarantee Fund is effective in its implementation;
8. Asks the Commission to strike a better balance, in both sub-programmes and the guidelines for evaluators, between the artistic and creative component and the managerial and innovative aspects, especially in the case of CCI;
9. Asks the Commission to make use of the system of performance indicators provided for in Article 18 of the legal basis of Creative Europe, thus insisting on the artistic and creative component of the programme, which is too often sacrificed to pure economic considerations such as managerial capacities or quantitative audience development;

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10. Urges the Commission to set more than the existing six areas of expertise for evaluators, in order to cope more effectively with the specific areas;

11. Urges the Commission and the EACEA to improve the evaluation procedure by increasing the number of evaluators in the first phase, and to provide for a de visu collegial decision round to select candidates from among those shortlisted in the second phase; stresses that transparency needs to be very high and the grounds for rejecting projects need to be very thoroughly and clearly explained, in order not to jeopardise acceptance of the programme on grounds of incomprehensibility;

12. Asks the Commission to provide training and capacity-building opportunities for cultural operators who wish to improve their skills with respect to application procedures, overall project management and project implementation;

13. Asks the Commission and the EACEA to better support cultural operators in finding partners for the cooperation projects, through measures including but not limited to dedicated matching sections within the most important European cultural events, improving the existing search tools and databases, and organising networking opportunities on previously announced themes;

14. Asks the Commission and the EACEA to take measures in order to improve the transparency of the contestation procedure for rejected applications, thus reducing the overall frustration among candidates and increasing the programme's credibility on the long-term;

15. Urges the Commission to further simplify the application and reporting procedures by limiting and simplifying guidelines and other documents, making the time-sheet less rigid, and drawing up a template for the cooperation agreement;

16. Calls on the Commission to use all available tools for even better promotion and dissemination of results of the implemented projects, as well as information about the European added value of all actions carried out under the programme;

17. Urges the Commission to avoid changing or adding new priorities and rules without giving the CED and stakeholders the necessary time to prepare for the next calls;

18. Urges the Commission to further simplify the financial aspects, also by extending the lump-sum instrument and encouraging greater use of flat-rate reimbursements and use criteria that do not hamper small projects' access to funding, and to make sure that the final payment of the grants is realised in the best time possible, which should be a criteria of excellence for the work of the EACEA, both for the Culture and MEDIA sub-programmes;

19. Notes that there are significant national differences in the salary levels of the staff involved in cooperation projects, which then lead to considerable discrepancies in terms of cofinancing power between partners from different Member States; calls on the Commission, therefore, to consider a possible alternative for the evaluation of the staff's work within the cooperation projects, based on other indicators than solely the pay grade;

20. Urges the Commission to continue, together with Eurostat, to establish specific criteria appropriate to the specific nature of the sectors (creation, cultural and artistic value, innovation, growth, social inclusion, community building, internationalisation, entrepreneurial improvement, aptitude to create spillovers and crossovers, etc.), and to evaluate the possible inclusion of the Joint Research Centre in the process; in this respect, highlights the importance of building high-quality resources of knowledge about the sectors, as well as statistical research and access to comparable data resources in the field, thus enabling the effective monitoring and analysis of the cultural, economic and societal impact of policies in the cultural and creative sectors;

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MEDIA

21. Welcomes the current work of the Commission and the EACEA modifying the automatic points system in order to allow a genuine level playing field, taking into account, in a balanced way, all of the criteria mentioned in the 'Creative Europe' programme (transnational character, development of transnational cooperation, economies of scale, critical mass, leverage effect), as well as production capacities and the existing national support schemes for the audiovisual industry;
22. Acknowledges that MEDIA has proved to be deeply rooted in the diversified audiovisual sector and efficiently supports cultural diversity and industrial policy;
23. Encourages greater development of subtitling and dubbing in order to facilitate the circulation of audiovisual products within and outside the EU;
24. Recommends that the European audiovisual heritage be secured and made available for the purposes of study, audience engagement and economic promotion, by digitising films and audiovisual archives;
25. Underlines that, in an international and increasingly competitive film landscape, the European audiovisual sector still needs to uphold measures to safeguard its diversity and independence; stresses that direct support for European audiovisual production is needed, particularly during the project development phase, and should take place by extending training to cover more actions and strengthen the sector's competitiveness;
26. Recommends stepping up actions for neighbouring countries under the programme, with a view to boosting the promotion of European works on their territory and of joint creative projects;
27. Acknowledges that European online platforms are still not competitive at international level, despite the support provided for online distribution and that European content on existing platforms is difficult to find or access;
28. Welcomes the splitting of audience development between film literacy, with an emphasis on film education in schools, and audience development initiatives;
29. Underlines the need for the Commission to put forward a data-driven European audience engagement project, which would aim at exploring and strengthening the capacity of Europe's audiovisual and film sector to collect, analyse and predict data concerning audience behaviours with a view to increasing demand for non-national European films;
30. Underlines that the support of independent TV producers for fiction series seeking to compete at world level is ongoing, in particular in order to provide authentically European responses to the current strong demand for high-quality series, even if the best results so far have been achieved in the documentary and children's sectors;
31. Asks the Commission to maintain its support for cinema networks, such as Europa Cinemas, that promote European film worldwide by financially and operationally helping cinemas which show a significant number of European films, and underlines the crucial role that cinemas have in raising audience awareness and maintaining the social element of the cinema experience;
32. Asks the Commission to change the bonus system for simultaneous releases in theatres and VOD;
33. Recommends providing evaluators with a set of tools taking into account the specificity of each country's support scheme, in order to guarantee a level playing field in MEDIA;

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34. Calls on the Commission to raise the funding ceiling for European video games, in order to take account of their high and growing production costs; stresses, in addition, the need to review the eligibility criterion relating to the exclusively narrative nature of a video game in order to widen the range to include projects with transnational distribution potential (sports games, sandbox games, etc.) and to incorporate 'gameplay' into the evaluation criteria for projects, in order to reflect the centrality of this aspect in the success of a product;

Culture sub-programme

35. Asks the Commission to balance the weight of the economic dimension with the intrinsic value of arts and culture per se, and to focus more on artists and creators;

36. Recommends that European cooperation projects take into account innovation, mobility and extended coproductions;

37. Asks the Commission to introduce possible measures to limit the disproportion between the number of beneficiaries and the number of applicants including, among other things, an increase in the budget for the Culture Sub-programme, more adequate representation of all cultural and creative sectors, and more support for smaller-scale projects;

38. Highlight the importance of translation for the promotion of the linguistic diversity heritage, and recommends that literary translation projects include the promotion of books and reading, as well as supporting participation in book fairs, including the consideration of an annual European Book Fair in order to increase book circulation, promote European literary exchanges and ensure the presentation of different national literatures, as well as access to literacy for all, including for people with disabilities;

39. Welcomes the creation of 'hubs' (European platform projects) to support and enable emerging artists and creators to exchange and work together;

40. Insists that stable and highly representative European cultural networks are fundamental for the visibility of culture and artistic activities, in Europe and with third countries, as they are often the first to go into cooperation with new fields, sectors or countries; considers that their role as coordinators of actions and promoters of culture and creativity for entire artistic domains should be supported with operational grants; believes that, in this respect, clear and transparent selection criteria should be established beforehand;

41. Calls on the Commission and the EACEA to give the Culture sub-programme opportunities to present itself externally and to hold structured meetings with operators in the sector;

42. Recommends that the European Theatre Prize be reintroduced and appropriate funding be allocated;

43. Underlines the success and significance of the European Capitals of Culture (ECOC) scheme, based on the dynamics of the cities and regions involved in the process, making out of the label and the still very modest EU financial contribution a real asset for further financing and activities, well beyond the actual year;

44. Welcomes the upcoming extension of the ECOC scheme to candidate and EFTA countries as from 2020, and recommends better spreading of this experience within the EU and beyond;

45. Recommends that the European Heritage Label be given greater visibility, and stresses the significance of the (material and immaterial) sites concerned as regards European identity and promoting a common feeling of belonging to Europe, building the EU and learning about diverse heritage for a better future;

46. Recommends that steps be taken to coordinate and adequately support the initiatives under the European Year of Cultural Heritage 2018 with Creative Europe, beginning with the preparatory year 2017, albeit through a budget dedicated line and not using resources allocated to the Culture sub-programme, as proposed by the Commission;

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47. Asks the Commission to consider ways of facilitating the access of refugees versed in the arts to the Creative Europe programme;

Cross-sectoral strand

48. Urges the Commission to develop and fully use the potential of the strand in order to achieve its objectives, as set in the Regulation, and in particular the promotion of transnational and cross-sectoral cooperation;

49. Recommends the introduction of three new support measures under the strand: (a) Creative Europe Mundus for transnational cooperation, (b) social inclusion and (c) innovative crossover and cross-sectoral projects;

50. Asks the Commission to seek to achieve a geographic and sectoral balance in the Guarantee Facility, to ensure equal access for small-scale organisations and grassroots initiatives and projects from all Member States, to evaluate its impact in particular on small cultural enterprises, cultural mediators and networkers, and to examine possibilities as regards the development of synergies with EFSI and with other programmes, in particular COSME, so as to ensure that the Guarantee Facility is used in the most efficient way in order to help the cultural and creative sector;

51. Looks forward to seeing the initial results of the Financial Guarantee Facility launched in 2016; expects this new market instrument, by easing access to loans for SMEs and microbusinesses, to help towards scaling up cultural and creative projects, which are in sectors which account for 4,4 % of the EU's GDP and 3,8 % of its workforce, so that they realise their full potential as a promising source of growth and jobs and as drivers of competitiveness, cultural diversity and cross-border cooperation; strongly regrets, however, that the Facility will be functionally operational only in those countries where a similar instrument is already in place;

52. Welcomes the actions taken by the Commission and EACEA to provide training and equalise skills in all the CED and recommends that such efforts be pursued;

53. Calls on the Commission and EACEA to improve the communication and exchange of information with CEDs about ongoing decision-making processes, including on the financial instruments and on new cross-sectoral initiatives; recommends the Commission, in order to improve the implementation of the programme, to take into account the expertise of CED upstream and downstream of the selection procedure, and to make the tools and documentation produced by CED available online as models of good practices; underlines the need for better collaboration between CEDs in order to make them more effective advisory tools for their national applicants; points out that the confidential sharing of evaluation reports, even negative ones, can help improve their capacity, and calls on the Commission to increase the transparency of the evaluations and selection procedures;

Recommendations for future generations of the programme

54. Recommends that Creative Europe be continued, reviewed and improved over the period 2021-2028, as a programme that includes all cultural and creative sectors, with emphasis on high-quality projects, with the same value and priorities, with two sub-programmes and a cross-sectoral strand including training, audience development, market access, social inclusion, cooperation, cross-sectoral and crossover projects and peer-to-peer learning, as well as communication, studies, support tailored to the cultural and creative sectors, a guarantee facility, and the support for CEDs;

55. Welcomes, in the light of the significant influx of migrants and refugees into the EU in recent years, the programme's growing intercultural dimension, which it is hoped will result in more projects that boost cultural diversity and intercultural dialogue and promote multilingualism as of 2017; underlines that this should be supported as a regular programme component, given that cultural integration is likely to remain a challenge in many Member States for years to come;

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56. Recommends that the legal basis for the next programme should explicitly include the promotion of cultural and artistic quality and the intrinsic value of culture among the objectives of the programme and the sub-programmes, as well as among the selection and evaluation criteria;

57. Calls on the Commission, in the revision of the MEDIA sub-programme, to examine whether the support given could be made more efficient by assigning smaller projects to the production, festivals, cinemas and distribution programme strands;

58. Urges the Commission to take a proactive approach to the admission of new countries to the programme, with special status for European Neighbourhood South and East countries;

59. Notes that European film co-productions are crucial in order to ensure that our products are sufficiently competitive and to meet market challenges, and recommends that they be developed by using proportionate methods and resources, also by collaborating with flagship European institutions in the sector, such as Eurimages;

60. Calls on the Commission to assess whether it would make sense, given the multiplicity of the creative industries, to create a European observatory on culture and creativity comparable to the European Audiovisual Observatory, with standards comparable to those of the European Audiovisual Observatory, and, if so, calls on it to elaborate qualitative criteria corresponding to the specific nature of the sectors;

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61. Instructs its President to forward this resolution to the Council, the Commission and the Education, Audiovisual and Culture Executive Agency.

Thursday 2 March 2017

P8_TA(2017)0063

Implementation of the Europe for Citizens programme

European Parliament resolution of 2 March 2017 on the implementation of Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the ‘Europe for Citizens’ programme for the period 2014-2020 (2015/2329(INI))

(2018/C 263/04)

The European Parliament,

- having regard to Articles 10 and 11 of the Treaty on European Union (TEU), which state that ‘every citizen shall have the right to participate in the democratic life of the Union’, that ‘the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action’, and that ‘the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society’,
 - having regard to Protocol No 1 on the role of National Parliaments in the European Union,
 - having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,
 - having regard to Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the ‘Europe for Citizens’ programme for the period 2014-2020 ⁽¹⁾,
 - having regard to its resolution of 19 January 2016 on the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values ⁽²⁾,
 - 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 on the implementation, results and overall assessment of the ‘Europe for Citizens’ programme 2007-2013 (COM(2015)0652),
 - having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the report of the Committee on Culture and Education and the opinions of the Committee on Budgets and the Committee on Constitutional Affairs (A8-0017/2017),
- A. whereas the Europe for Citizens programme is a unique and highly symbolic programme, insofar as it is a listening exercise on civil society’s debate, as it stimulates critical thinking on the European project, its history and that of the movements and ideas that have promoted it and as it contributes to a better knowledge of the European decision-making process, improving the conditions for civic and democratic participation at Union level;
- B. whereas the Europe for Citizens programme aims to strengthen a sense of European citizenship and belonging, enhance solidarity, mutual tolerance and respect, to promote a better understanding of the EU, its origin and development, its values, its institutions and competences and to foster an active dialogue between EU citizens; whereas the activities under the programme can be seen as part of informal lifelong education in citizenship;
- C. whereas the ‘one euro per citizen’ campaign for the Europe for Citizens programme is aimed at sending a strong symbolic message about listening to citizens’ voices in Europe;

⁽¹⁾ OJ L 115, 17.4.2014, p. 3.

⁽²⁾ Texts adopted, P8_TA(2016)0005.

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- D. whereas the current rise of 'Euroscepticism' — which is reflected by anti-European forces calling into question the very existence of the European project and culminated recently in the vote in favour of Brexit — highlights the importance of such programmes and reinforces the need to foster the development of a shared sense of European identity, to reflect on the causes of the European Union's loss of credibility, to encourage civic participation and to launch an in-depth debate on European values, which should involve the whole of civil society and the institutions themselves — and a training campaign on the functioning of EU institutions — while highlighting the opportunities brought about by belonging to the EU;
- E. whereas, before the accession of a country to the European Union takes place, profound, holistic preparation involving issues of remembrance, coming to terms with the past and ensuring the active participation of citizens in the civic life of the country concerned is required;
- F. whereas, in line with Article 11 of the TEU, the EU institutions are under an obligation to give citizens and representative associations the opportunity to exchange their views in all areas of Union action publicly; whereas this provision also entails the EU institutions' obligation to engage in an open, transparent and regular dialogue with civil society and the Commission's duty to carry out broad consultations with all stakeholders;
- G. whereas Article 20 of the Treaty on the Functioning of the European Union (TFEU) establishes the fundamental status of Union citizenship and details the rights attached to it, and whereas a better understanding of the EU and its values is an important precondition to empower citizens to fully enjoy these rights;
- H. whereas active citizenship, education for citizenship and intercultural dialogue are key to building open, inclusive and resilient societies;
- I. whereas the current programme is founded on Article 352 of the TFEU, which only granted Parliament the right to express its position under the consent procedure and was vigorously contested by Parliament at the time that the proposal was submitted by the Commission as it strongly contradicts the democratic nature of the programme;
- J. whereas the ex-post evaluation conducted by the Commission confirmed the relevance of the programme's objectives and the fact that, as it is distinct from other programmes in terms of its scope, objectives, activities and target groups, it has enabled initiatives that could not have been funded elsewhere;
- K. whereas, following the budgetary cuts resulting from the negotiations on the Multiannual Financial Framework (MFF) 2014-2020, the financial envelope for the Europe for Citizens programme was reduced by around EUR 29,5 million, and whereas the limited financial envelope of EUR 185,47 million for the programme only represents 0,0171 % of the MFF;
- L. whereas it has been noted that Member States tend to disengage from the co-financing of these projects and that local authorities find themselves in difficulties when it comes to European projects with high co-financing rates;
- M. whereas, as a consequence of the reduction in the financial envelope, the number of projects that could be financed in 2014 fell by almost 25 % compared to the previous programme;
- N. whereas non-formal and informal learning, as well as volunteering, sport, the arts and culture, provide many opportunities for citizenship education and active citizenship;
- O. whereas further synergies with other programmes and better communication with other DGs are needed in order to reduce overlap and reinforce the impact of the programme;

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- P. whereas there is a proven value of the existing international twinning of cities and municipalities (Town twinning — Networks of Towns), which enhances mutual understanding between citizens and fosters friendship and cooperation;

Main conclusions

1. Underlines that the overall funding available (EUR 185,47 million) to the only programme dedicated entirely to European citizenship, i.e. the Europe for Citizens programme, is negligible in comparison with other education and culture programmes, such as Creative Europe (EUR 1,46 billion) and Erasmus+ (EUR 14,7 billion), with the result that applicants' expectations will be disappointed;
2. Welcomes the fact that in the first two years of the new funding cycle, the Europe for Citizens programme, which is set to bridge the gap between the EU institutions and European citizens, seems to be running well, with a rising number of applicants, high project quality and sound project implementation;
3. Recognises that the main obstacle to the successful implementation of the programme is insufficient financial allocation and deeply regrets that it was cut by 13,7 % under the MFF 2014-2020, which has dramatically reduced the number of financeable projects and means that the high demand cannot be met, causing frustration among candidates with valuable projects;
4. Notes that, owing to budgetary constraints, the total number of funded projects is too small to achieve the programme's ambitious goals and that only around 6 % of the European remembrance and civil society projects could be financed in 2015, which is very low in comparison to the Creative Europe programme results for the same year (19,64 % for Culture and 45,6 % for MEDIA); indicates that the funding for these two strands of the Europe for Citizens programme should be substantially increased in line with the ambitions of the programme;
5. Recognises the success of the city twinning projects all over the EU, and calls on the Member States to promote the scheme among municipalities and to facilitate cooperation;
6. Welcomes the Europe for Citizens newsletter and the database on funded projects, launched by the Commission;
7. Highlights the fact that the Europe for Citizens' national contact points (NCPs) play an important role in raising awareness and providing support and guidance to potential applicants (in particular first-time applicants in target countries), as well as European and national associations of local and regional government and civil society organisations;
8. Welcomes the multidisciplinary approach of the programme, its clear and simple application form and reporting requirements and its focus on specific activities;
9. Welcomes the fact that the priorities defined for both strands of the programme, 'European remembrance' and 'Democratic engagement and civic participation', which were previously modified annually, have henceforth become multiannual and will apply throughout the remaining period of the programme (2016-2020);
10. Acknowledges the fact that the impact of the programme remains proportionally high, as is shown by the fact that in 2015 an estimated 1 100 000 participants were involved in the 408 projects selected; considers also that the high number of applications — 2 087 in 2014 and 2 791 in 2015 — and the quality of projects indicate a high level of interest in the programme and the need to dedicate more human and financial resources to the programme in order to increase the number of projects supported;

Recommendations

Legal aspects of implementation

11. Recommends that the next generation of the Europe for Citizens programme should be adopted with a legal base enabling Parliament to be involved in the adoption of the programme as a co-legislator under the ordinary legislative procedure, on an equal footing with the Council; encourages the Commission to think of possible solutions to achieve this objective;

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Financial aspect of implementation

12. Considers that high quality projects, such as European remembrance and civil society projects (6 % success rate, as opposed to 19,64 % for Culture and 45,6 % for MEDIA in the Creative Europe Programme), have been rejected because of the lack of sufficient funding in the Europe for Citizens programme; regarding the decisive role played by this programme as a prerequisite for citizens' participation in the democratic life of the Union, considers that a substantial increase in the current budget would be necessary in order to achieve a higher target rate; calls, therefore, on the Commission, the Council and the Member States to consider a total financial envelope of approximately EUR 500 million for the Europe for Citizens programme under the next MFF, which only represent EUR 1 per citizen;

13. Recognizes the common goal of and the potential synergies between the European Citizens' Initiative (ECI) and the Europe for Citizens Programme (EfC) in enabling citizens to participate directly in the development of EU policies; calls nevertheless on the Commission to ensure that ECI is not financed under the EfC programme's limited budget, as it is currently the case, and urges the Member States to be more involved in financial support to both actions;

14. Notes that the lump sum or flat rate system should take into consideration price differences across the EU, depending on the cost of living in the Member States; recommends rethinking this scheme and the reduction in pre-financing in order to ensure the sustainability of the funded projects and to provide better support to cooperation among local administrations or organisations at a wider distance, and in particular to facilitate the involvement of smaller organisations with a limited financial capacity and participants with special needs;

15. Requests that the Commission and the Education, Audiovisual and Culture Executive Agency (EACEA) regularly assess the impact that a number of budgetary arrangements have had on applicants and potential eligible applicants; requests in particular an assessment of whether the reduced rate of pre-financing (from 50 % to 40 % for projects and from 80 % to 50 % for operating grants and national contact points (NCPs)) applied in 2015, owing to an acute shortage of payment appropriations, the need for co-financing and the application of the same parameters irrespective of the actual cost of living and geographical remoteness, may have put — and may continue to put — some types of organisations and specific Member States at a disadvantage; requests, moreover, that they develop further strategies to bring European institutions closer to citizens and to better inform citizens on various EU policies;

16. Notes that a further parameter should be incorporated into the lump sum or flat rate system, so that persons with special needs can be accommodated more effectively, since many more staff and, often, additional measures, which in turn generate higher costs, are needed in order to enable persons with a disability to participate;

17. Underlines that operating grants guarantee independence to beneficiaries (i.e. think tanks) and offer the possibility of long-term planning to realise vision-oriented activities and to develop expertise; recommends the use of specific criteria, indicators and annual reporting to monitor progress towards their goals and to make sure that these funding schemes do not lead to the beneficiary's dependency on the Commission;

18. Calls for the Commission and the EACEA to account publicly for the expenses incurred through strand 3 on Horizontal Action — Valorisation — Analysis, dissemination and use of project results;

19. Invites the Commission and the EACEA to include in the interim evaluation report, due by 31 December 2017, a thorough assessment of the financial and budgetary implementation of the programme and to draw lessons from this assessment with a view to redefining the future goals and adjusting the budgetary requirements of the programme in the next multiannual financial framework;

Coordination and communication aspects

20. Calls on the Commission to gather together all useful information regarding the Europe for Citizens programme (programme guide, priorities, calls for proposals, ongoing and past projects, outcomes and lessons learned, newsletter), along with all the programmes, actions, grants and structural funds that come under the umbrella of European citizenship (such as the European Citizens' Initiative and the European Voluntary Service), in a unique, user-friendly communication portal (one-stop-shop online platform) also accessible to persons with disabilities; recommends that this platform should be

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used as a public register of the beneficiaries' contact details and as a tool to access the projects' descriptions and to find partners in other countries;

21. Emphasises that rejected applications should be responded to satisfactorily, indicating the reasons for the rejection, especially when the entity that lodged an application asks for an explanation; suggests considering, where possible, the identification of priority issues from similar rejected applications;

22. Points out that certain objectives of the Europe for Citizens programme are similar or complementary to those of the European Citizens' Initiative, in particular the aspiration to involve citizens in the EU; believes, for that reason, that efforts should be made to follow a common approach in designing EU policies on citizens' participation and participatory democracy, supported by a consistent communication strategy, in order to include under one umbrella all the Commission's programmes related to European citizenship, possibly by promoting and enhancing direct experiences and grassroots involvement;

23. Underlines the need to create an open list of potential partners in each Member State in order to facilitate partnerships between those who would like to access the Europe for Citizens programme;

24. Recommends as well the creation of an online platform for the main organisations working in the field of citizenship and benefiting from the programme in order to pool good practices, reinforce capacities and enhance visibility once projects have finished;

25. Calls on the Commission to raise the programme's profile and make the public more aware of its objectives, by implementing an engaging communication strategy for European citizenship — using social networks, radio, TV advertisement and billboards — by reinforcing local engagement with the active involvement of NCPs and by constantly updating content and reaching new audiences in the participating countries, with a particular focus on those in which the level of participation is lower, and on young people, persons with disabilities and vulnerable people;

26. Takes the view that the programme should also serve to publicise existing channels of direct participation in the European Union, such as the European Citizens' Initiative, citizens' forums and public consultations, so as to raise public awareness of the opportunities for direct participation within the EU's institutional framework;

27. Urges the participating countries which have not yet done so to designate a national contact point; recommends reinforcing the coordination and synergy among these countries, the Member States and the Commission;

28. Acknowledges that the biggest challenge is to achieve the current ambitious goals with the limited funding available; emphasises the importance of the Member States, regions and local governments in increasing the effectiveness and popularity of the programme, including by maximising the potential of the NCPs through an exchange of experience with entities responsible for similar projects, such as Erasmus+ and Creative Europe; encourages the EACEA to facilitate and boost, wherever possible, synergies across EU programmes such as Creative Europe, Erasmus+ and the European Social Fund, so as to improve impact;

29. Calls on the Commission to increase to an even greater extent its efforts on administrative simplification, considering that formal requirements are sometimes difficult to overcome for particularly small organisations that should not be discriminated against for bureaucratic reasons;

30. Recommends that the funds allocated to communication should not be used to cover institutional communication of the priorities of the Union, as is currently set out in Article 12 of the present programme, but should be used to publicise the programme itself in the participating countries, especially those in which the level of participation is lower;

Focus and objectives of the programme

31. Recommends, in the next generation programme, formalising the multiannual approach in the definition of the priorities and enhancing synergies among the strands and the components of the programme; stresses that any changes to the structure of the programme should be made in such a way as to prevent the possibility of confusion amongst its end users, thereby reducing its impact;

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32. Welcomes the strong focus on citizens and societal aspects of the EU, allowing EU institutions to engage directly with civil society on the ground; highlights within the priorities of the programme the importance of projects focused on current challenges for Europe, on issues such as diversity, migration, refugees, preventing radicalisation, fostering social inclusion, intercultural dialogue, addressing financing problems and identifying the common European cultural legacy; invites the Commission and Member States to strengthen the links between the programme's priorities and the policies linked to European citizenship as well as the daily life of European citizens;

33. Argues that the programme should reach out to a wider range of participants, guarantee the participation of people with special needs, promote the participation of marginalised and disenfranchised people, including migrants, refugees and asylum seekers;

34. Is of the opinion that, where relevant, the programme should build on existing successful grassroots initiatives such as town twinning;

35. Stresses the need to develop — within the 'European Remembrance' strand — a European identity that should be oriented towards the future and not only the past, plural, transcultural and open to migration flows and influences from the rest of the world, with a view to achieving a common integration founded on European values and European secular and spiritual heritage; stresses the need to ensure that history is not used as a divisive tool, but as an opportunity to address contemporary challenges through sensitive interpretation and skilful, targeted education programmes; emphasises the importance of fostering inter-generational projects that allow exchanges of experience between older and younger generations;

36. Stresses the need to encourage projects presenting new formats of discussion with citizens, in an attractive format and style, and with a multidimensional approach;

37. Proposes the yearly publication by the Commission of a synthetic report containing the main proposals to improve the European project voiced by the participants in the projects financed by the 'Europe for Citizens' programme;

38. Stresses the need to enrich the programme with proposals on citizens' participation in the democratic process and in EU decision-making, in a way that contributes to empowering citizens to make use of their rights, for instance through the implementation of e-democracy; calls on the Union and its Member States, in order to achieve this, to develop actions and policies to strengthen transferable, critical and creative thinking skills as well as digital and media literacy, the inclusion of their citizens and stimulate curiosity, especially amongst children and young people, so that they will be able to take informed decisions and make a positive contribution to democratic processes;

39. Points out that participation in the programme by countries seeking EU membership leads to better mutual understanding and closer cooperation; recommends greater internationalisation of the programme, notably by inviting all European Free Trade Association (EFTA), European Economic Area (EEA), accession and candidate countries to join forces with EU Member States in applying for projects, and calls for more cooperation between NGOs from the EU, Eastern and Southern Partnership countries and potential candidates in order to bring the EU closer to citizens; proposes promoting cooperation between organisations in the EU and in neighbouring countries on European values;

40. Stresses the need to develop town twinning, focusing on ways of making greater use of the scheme, its promotion and results, including the adequate allocation of financial resources;

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

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P8_TA(2017)0064

Common Commercial Policy in the context of wildlife sustainability imperatives

European Parliament resolution of 2 March 2017 on EU Common Commercial Policy in the context of wildlife sustainability imperatives (2016/2054(INI))

(2018/C 263/05)

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union, in particular Articles 191 and 207 thereof,
- having regard to the Treaty on European Union, in particular Article 21(2) thereof,
- having regard to the Commission communication ‘Trade for All — Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the EU textual proposal for a trade and sustainable development chapter in the Transatlantic Trade and Investment Partnership (TTIP), in particular Articles 10 to 16 thereof,
- having regard to the outcome of the UN Summit on Sustainable Development of 2015, ‘Transforming Our World: the 2030 Agenda for Sustainable Development’, in particular paragraphs 9 and 33 and goal 15 thereof,
- having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XX(a) and (g) thereof,
- having regard to the 2016 EU Action Plan against wildlife trafficking (COM(2016)0087) (hereinafter the ‘Action Plan’),
- having regard to the Council conclusions of 20 June 2016 on ‘the EU Action Plan and Wildlife Trafficking’,
- having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾, and to Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law ⁽²⁾,
- having regard to UN General Assembly Resolution 69/314 on ‘Tackling illicit trafficking in wildlife’ and to UN Environment Assembly Resolution 1/3 on ‘Illegal trade in wildlife’,
- having regard to the outcomes of the CITES CoP17 in Johannesburg,
- having regard to the outcomes of the February 2014 London Conference on the Illegal Wildlife Trade and the Kasane review of progress of March 2015,
- having regard to the outcome of the 2016 International Union for Conservation of Nature (IUCN) World Conservation Congress in Hawaii,
- having regard to the UN Convention against Transnational Organised Crime,
- having regard to the Global Wildlife Programme (GWP) of the Global Environment Facility (GEF) of the World Bank,

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

⁽²⁾ OJ L 328, 6.12.2008, p. 28.

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- having regard to the 2016 World Wildlife Crime Report of the United Nations Office on Drugs and Crime (UNODC),
 - having regard to the declaration of June 2014 of the Customs Cooperation Council of the World Customs Organisation (WCO) on the illegal wildlife trade,
 - having regard to the declaration made at Buckingham Palace (London) by the United for Wildlife Transport Taskforce (hereinafter the 'Buckingham Palace Declaration'),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A8-0012/2017),
- A. whereas the world is facing an unprecedented surge in wildlife trafficking, and concomitant biological crises arise from the continued illegal and unsustainable harvesting and marketing of global fauna and flora;
- B. whereas the uncontrolled and excessive use of wild animal and plant species represents the second most serious threat to their survival in the wild, immediately following the destruction of habitats;
- C. whereas according to estimates, the illegal trade in wild flora and fauna is the fourth most profitable area of criminal activity, with an estimated turnover of as much as EUR 20 billion;
- D. whereas the latest trends indicate the growing involvement of large-scale criminal and organised networks making use of increasingly sophisticated methods;
- E. whereas wildlife trafficking contributes to fuelling conflicts and terrorist networks are suspected of sourcing financing, inter alia, from the illegal wildlife trade, generating significant profits;
- F. whereas the attendant problems of corruption and weak governance structures exacerbate existing vulnerabilities in wildlife trade frameworks;
- G. whereas the European Union is currently a destination market for these species, a hub for transit to other regions, and also an area from which certain species are sourced for illegal trade;
- H. whereas ensuring the engagement of and benefit for rural communities from source countries in wildlife conservation is essential to tackle the root causes of illegal wildlife trafficking;
- I. whereas wildlife cybercrime poses a serious threat to endangered wildlife species, including elephants, rhinos, pangolins, reptiles, amphibians, birds and giraffes;
- J. whereas trade policy allied to development cooperation can represent a strong motor for economic growth in developing countries;
- K. whereas the increase in illegal trade in numerous species of flora and fauna results in loss of biodiversity and ecosystem destruction, with increasing numbers becoming vulnerable or even extinct;
- L. whereas sustainable wildlife trade can be of crucial importance to certain marginalised communities, which rely on legal frameworks in order to conserve local resources and contribute to poverty reduction;

Trends, principles and general considerations

1. Observes with serious disquiet recent increases in wildlife trafficking and wildlife crime, which if not halted and reversed threaten to have serious and permanent consequences as regards preserving biodiversity and environmental sustainability;

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2. Notes that the EU, as a signatory to numerous global conventions aimed at protection of the environment, has a legal obligation to ensure that its policies and international treaties contribute to that objective;
3. Believes that increased economic development stemming from integration into global markets and the use of natural resources for the purposes of sustainable economic development are not mutually exclusive, but rather should be seen as mutually enforcing;
4. Strongly supports, therefore, an approach towards wildlife issues that not only upholds the environmental protection objectives of the EU and its trading partners but also allows for the creation of sustainable and legal trade frameworks which strengthen the positive contribution of trade policy to sustainable development;
5. Stresses with concern that the EU, alongside the USA, remains a significant destination market and transit route for illicit wildlife products;
6. Welcomes the EU Action Plan against Wildlife Trafficking, which will play a crucial role in combating the alarming rise in the highly lucrative illegal trade in wildlife, which destabilises economies and communities that depend on wildlife for their livelihood and threatens the peace and security of fragile regions of EU trade partners by strengthening illicit routes;
7. Believes that only an integrated approach to wildlife crime can ultimately be successful in curtailing and eliminating the illegal trade, and that the EU must lead efforts in tackling not only supply-side issues, including development issues on the ground in third countries, but also demand for illegal products in domestic markets, including online platforms;

International institutions and governments

8. Recalls that under WTO law, countries are permitted to introduce exceptions to the general rules of the GATT in Article XX(g) in order to regulate exhaustible natural resources and in Article XX(a) in order to protect public morals; notes that the WTO Appellate Body has broadly interpreted 'exhaustible natural resources' to include living species that may be vulnerable to depletion, and that WTO jurisprudence has specifically highlighted inclusion of species in annexes to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as evidence of their exhaustibility; notes also that the WTO Appellate Body has broadly interpreted 'public morals' to cover concerns regarding the prevention of cruelty to animals;
9. Welcomes the efforts made by the EU within the WTO to reduce harmful fishing subsidies, which can undermine the sustainable management of fisheries and endanger the conservation of species such as turtles, sharks, seabirds and marine mammals;
10. Reiterates its strong commitment to the UN Sustainable Development Goals and to ensuring the ultimate success of Goal 15, which includes a pledge to end poaching and trafficking of protected species of flora and fauna, as well as to combat both supply and demand with regard to trafficked products;
11. Welcomes the ongoing activity of the International Consortium on Combating Wildlife Crime, an initiative involving CITES, Interpol, the UNODC, the World Bank and the WCO;

Customs and online trade

12. Welcomes also the WCO's INAMA project, which seeks to enhance the ability of customs authorities to improve capacity-building in order to fight wildlife crime; calls for the greater participation of customs authorities in enforcement operations aimed at combating the illegal wildlife trade, and for increased awareness-raising activities with the objective of improving the training and functioning of customs authorities;

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13. Considers that online wildlife crime poses a serious threat to endangered animals, including elephants, rhinos, amphibians, reptiles and birds, and that governments, companies and non-governmental organisations should work together against this;

14. Considers that the customs dimension of the European Union's Action Plan should be further strengthened, with regard to both cooperation with partner countries and better and more effective implementation within the Union; looks forward, therefore, to the Commission's 2016 review of the implementation and enforcement of the EU's current legal framework, and asks for this review to include an assessment of customs procedures;

15. Calls on the Commission to investigate to what extent EU legislation on wildlife trade is uniformly applied in different Member States by customs officers responsible for controls;

16. Calls on the Commission and the Member States to work on information sharing and capacity building, including specific training, for customs officers;

The role of the private sector and non-governmental organisations

17. Highlights the importance of ensuring the private sector's involvement in the fight against wildlife trafficking, including the engagement of online marketplaces and social media;

18. Welcomes workable solutions that, when integrated into existing supply chain and trade management systems, will allow the private sector to play a role as a true partner to governments and international bodies in ensuring the responsible management of global supply chains; stresses, however, that the common commercial policy should promote binding corporate social responsibility standards, guiding and supporting the private sector on socially responsible practice; considers that corporate social responsibility standards are of particular importance within transport networks;

19. Welcomes emerging collaborative zero-tolerance approaches between wildlife trade experts and logistics companies; considers that the Commission should reflect on how best to ensure that the relevant legal frameworks can better address risks related to e-commerce and online and offline commercial advertising;

20. Welcomes the role played by non-governmental organisations and civil society not only in the fight against the illegal trade in wild flora and fauna, including awareness-raising, and the reduction in demand both in the EU and on the territory of the third countries in which those wild flora and fauna originate, but also within the domestic advisory groups envisaged under EU free trade agreements to monitor the implementation of the trade and sustainable development provisions;

21. Welcomes the United for Wildlife Transport Taskforce Buckingham Palace Declaration of March 2016, which aims to involve private sector actors in addressing vulnerabilities in transportation and customs procedures which are exploited by traffickers, as well as to improve information sharing along the length of global supply chains and trade routes;

22. Calls on the Commission and the Member States to engage with non-governmental organisations in reducing trafficking, changing consumer behaviour and reducing demand for illegal wildlife products by means of campaigns aimed at raising awareness of issues pertaining to the challenge of combating the illegal wildlife trade, especially in countries where this demand is higher;

EU legal framework and trade agreements

23. Considers that in the existing domestic legal framework the key challenge and priority for EU Member States, at this stage, is implementation of the existing rules; recognises, however, that supplementary provisions taking into account those rules existing in other states should be examined in order to prohibit the making available and placing on the market, transport and acquisition of wildlife that has been illegally harvested or traded in third countries, according to that

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country's own legal framework; considers that the current legal framework should also be examined in order to better address risks related to e-commerce;

24. Supports the approach that includes in future EU trade agreements provisions aimed at tackling wildlife trafficking;

25. Welcomes the Commission's proposal for a chapter on trade and sustainable development in TTIP, as part of its ongoing commitment to ensure sustainable development; notes that the US has sought in its trade agreements to negotiate standards covering trade in wildlife, including by limiting fishery subsidies; stresses that robust provisions on wildlife protection should be negotiated in all future EU free trade agreements, including provisions and commitments aimed at the proper implementation of agreed Multilateral Environmental Agreements (MEAs) as part of the trade and sustainable development chapters;

26. Welcomes the EU's more ambitious approach on wildlife protection in the trade and sustainable development chapter of the EU-Vietnam Free Trade Agreement, which includes not only commitments regarding the proper implementation and enforcement of MEAs such as CITES, the Convention on Biological Diversity (CBD) and the International Convention for the Regulation of Whaling (ICRW) but also provisions related to trade capacity building, information exchange and awareness raising, and urges the EU and the Member States to guarantee proper implementation of these commitments and provisions; considers that these commitments should be enforceable to ensure effective and continued compliance, including by envisaging an appropriate role for non-governmental and civil society organisations;

27. Supports the approach, as outlined in the Trade for All Strategy, of including anti-corruption provisions in future trade agreements, given the known role that corruption plays in facilitating the illegal wildlife trade, as well as the EU's commitment to implementing trade policies that promote sustainable development, which will help to achieve the global goals agreed as part of the 2030 Agenda for Sustainable Development;

Recommendations

28. Supports an approach to EU trade policy that not only prioritises the issue of combating the illegal wildlife trade but includes in all future agreements provisions aimed at its reduction and ultimate elimination, along with robust and effective complementary measures, with particular regard to training, prevention and the application of sanctions in the field of forest management, health and customs;

29. Underlines that nothing in EU trade policy should prevent the EU or its trading partners from taking decisions that are necessary for the protection of wildlife and natural resources, provided that such measures continue to be in pursuit of legitimate public policy objectives and do not represent arbitrary or unjustifiable discrimination;

30. Believes there is no 'one size fits all' solution to global wildlife sustainability and combating the illegal trade; recalls in this light the need to ensure full flexibility and to share information, data and best practice, in order to facilitate dialogue with a view to enhanced cooperation, bearing in mind the cross-border nature of this type of infringement;

31. Recommends that EU Member States consider policy solutions that would allow for the elimination of all remaining legal loopholes that could facilitate the 'laundering' of illegally sourced wildlife and wildlife products; recommends, further, that exhaustive monitoring be carried out in this connection and that efficient use be made of existing resources and agencies in order to achieve this objective;

32. Calls for the EU and its Member States to consider a possible ban at European level of trade, export or re-export within and outside the EU of elephant ivory, including 'pre-Convention' ivory, in a manner compliant with WTO law;

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33. Demands that sufficient resources are committed for policies and measures designed to meet the EU's objectives in terms of combating the illegal wildlife trade, which includes resources for third countries in terms of capacity-building, in particular for customs procedures, authorities, transparency and good governance;

34. Asks that the Commission and the Member States continue to work with all actors concerned to ensure an integrated approach that not only targets the sources of illegal wildlife and wildlife products but also acts to curtail demand and raise awareness in demand markets;

35. Asks that the Member States and the Commission do more to ensure that the illegal criminal networks and syndicates active in illegal wildlife trade are targeted for disruption, elimination and prosecution, and that the Member States ensure that the punishments and sentences reserved for wildlife crime are both proportionate and dissuasive and in line with commitments, where appropriate, as defined in the UN Convention against Transnational Organised Crime;

36. Calls on the EU to explore, within the scope of the WTO framework, how global trade and environmental regimes can better support each other, especially in the context of ongoing work on strengthening coherence between the WTO and MEAs, as well as in light of the Trade Facilitation Agreement;

37. Considers that further opportunities for cooperation between the WTO and CITES should be explored, in particular in terms of offering technical assistance and capacity building on trade and environment matters to officials from developing countries; asks that the Commission continue to reflect on this as part of the post-Nairobi discussions and future elements that will be considered at the next Ministerial Conference in Buenos Aires in 2017;

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38. Instructs its President to forward this resolution to the Council, the Commission, the Member States, CITES, the United Nations Office on Drugs and Crime, the WCO, the WTO and Interpol.

Tuesday 14 March 2017

P8_TA(2017)0065

Responsible ownership and care of equidae

European Parliament resolution of 14 March 2017 on responsible ownership and care of equidae (2016/2078(INI))

(2018/C 263/06)

The European Parliament,

- having regard to Articles 39, 42 and 43 of the Treaty on the Functioning of the European Union (TFEU) on the functioning of the common agricultural policy and the common fisheries policy,
- having regard to Article 114 TFEU on the establishment and functioning of the single market,
- having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,
- having regard to Article 168(4)(b) TFEU on measures in the veterinary and phytosanitary fields which have the protection of public health as their direct objective,
- having regard to Article 13 TFEU, which lays down that, in formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage,
- having regard to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') ⁽¹⁾,
- having regard to Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 ⁽²⁾,
- having regard to Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing ⁽³⁾,
- having regard to Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes ⁽⁴⁾,
- having regard to Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae ('Equine Passport Regulation') ⁽⁵⁾,
- having regard to Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014 and Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation'),

⁽¹⁾ OJ L 84, 31.3.2016, p. 1.

⁽²⁾ OJ L 3, 5.1.2005, p. 1.

⁽³⁾ OJ L 303, 18.11.2009, p. 1.

⁽⁴⁾ OJ L 221, 8.8.1998, p. 23.

⁽⁵⁾ OJ L 59, 3.3.2015, p. 1.

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- 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 ⁽¹⁾,
 - having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽²⁾,
 - having regard to the judgment of 23 April 2015 in case C-424/13, *Zuchtvieh-Export GmbH v Stadt Kempten*, of the Court of Justice of the European Union,
 - having regard to the Commission communication entitled ‘Europe 2020 — a strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
 - 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 ⁽³⁾ on the indication of the country of origin or place of provenance of the meat,
 - having regard to the Commission communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘Europe, the world’s No 1 tourist destination — a new political framework for tourism in Europe’ (COM(2010)0352),
 - having regard to the conclusions of the Commission’s EDUCAWEL study ⁽⁴⁾,
 - having regard to the principles of subsidiarity and proportionality,
 - having regard to the European Convention for the Protection of Animals kept for Farming Purposes,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A8-0014/2017),
- A. whereas the equid sector within the EU is worth over EUR 100 billion per annum ⁽⁵⁾ and accounted for an additional total turnover of EUR 27,3 billion in betting in 2013 alone, with EUR 1,1 billion received by Member State governments ⁽⁶⁾;
- B. whereas approximately 900 000 jobs are created solely by the equestrian sports industry, five to seven equidae create one full-time job, and those jobs, which are not relocatable, are in what are now economically vulnerable rural areas;
- C. whereas the equid sector meets the objectives of EU rural development policy, which is based on agricultural viability, sustainable natural-resource management and the promotion of social inclusion in rural communities; whereas equidae are still very much used within agriculture, with new uses being found, such as the production of donkey milk, as well as new opportunities and benefits for further developing these products for producers and consumers;

⁽¹⁾ OJ L 347, 20.12.2013, p. 487.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ OJ L 335, 14.12.2013, p. 19.

⁽⁴⁾ See http://ec.europa.eu/food/animals/docs/aw_eu-strategy_study_edu-info-activ.pdf.

⁽⁵⁾ Fédération Equestre Internationale (FEI), FAQs on High Health, High Performance Horse (HHP) Concept adopted at the May 2014 OIE General Session.

⁽⁶⁾ Annual Report of the International Federation of Horseracing Authorities.

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- D. whereas the equid sector is playing an active role in meeting the Europe 2020 strategy's objective of bringing about sustainable growth based on both a greener economy and inclusive growth, and whereas the equid sector is important due to its vital contribution to environmental, economic and social development in rural areas;
- E. whereas the European Union is the largest market for the equestrian sports industry globally ⁽¹⁾;
- F. whereas the estimated 7 million equidae in the EU perform hugely varied roles, with an age-old relationship with mankind, from competition and recreational animals to working animals in transport, tourism, behavioural, rehabilitation and education therapies, sports, education, forestry and agriculture, sources of milk and meat, research animals, and wild and semi-feral animals; whereas these equidae also help maintain biodiversity and rural sustainability and may perform several of these roles during their lives;
- G. whereas responsible ownership and care of equidae starts with proper attention to animal health and welfare conditions, and whereas welfare issues must accordingly be central to all equidae activities; whereas the regulatory environment at EU level varies among Member States, and whereas existing legislation is implemented differently within the EU, which leads to distortion of competition and a deterioration in animal welfare;
- H. whereas equidae are the most transported animals in Europe in proportion to their population ⁽²⁾, and whereas animal transport times are a serious concern for EU citizens, who demand shorter transport times, as equidae are sometimes transported in and from the EU in vehicles unsuitable for carrying equidae over long distances by road, sea and air before they reach their final destination;
- I. whereas the data on the movements of equidae for commercial purposes are recorded via the Trade Control and Expert System (TRACES), but this data is only released annually and with a two-year delay;
- J. whereas readily available data could help competent authorities and other organisations to better monitor animal health effects and to investigate subsequent indications of poor biosecurity;
- K. whereas there is insufficient data available to directly quantify how many working equidae are used on small and semi-subsistence farms, many of which are found in the newer Member States, and in tourism;
- L. whereas the World Organisation for Animal Health (OIE) adopted guidelines concerning working equidae in May 2016 ⁽³⁾ as regards observing animals' five fundamental freedoms, i.e. freedom from hunger, thirst and malnutrition, from fear and distress, from physical discomfort and heat stress, from pain and to express (most) normal behaviour;
- M. whereas equidae provide valuable employment and revenue to localities and rural areas from agriculture, equestrian activities and tourism that cannot be relocated, but the welfare of some equidae is compromised and tourists are too often insufficiently informed to identify welfare issues and correct the problem ⁽⁴⁾;

⁽¹⁾ FEI database, accessed on 22.9.2014.

⁽²⁾ TRACES database 2012.

⁽³⁾ World Organisation for Animal Health — Terrestrial Animal Health Code (2016), Chapter 7.12.

⁽⁴⁾ Santorini Donkey and Mule Taxis — an Independent Animal Welfare Report for the Donkey Sanctuary, 2013.

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- N. whereas welfare labels introduced by the industry can help ensure that activities are carried out properly and that the public is given the necessary information;
- O. whereas unlimited, indiscriminate and irresponsible breeding of equidae can lead to animals that are devoid of economic value and are often left with serious welfare problems, particularly during an economic downturn; whereas Parliament and the Council recently adopted legislation harmonising the rules on zootechnical and genealogical conditions for the breeding of purebred breeding animals, including equidae, the objectives being to make the EU breeding sector more competitive and better organised and to improve available information on purebred breeding and on purebred breeding animals, in particular equidae;
- P. whereas equid abandonment has increased since 2008 in western Member States, especially where these equidae have become expensive luxuries, constituting a major financial burden rather than a source of income; whereas there has been no adequate and satisfactory response to this problem from the Commission and the Member States;
- Q. whereas most instances of this behaviour can be assigned to private owners and are not representative for the most part of the professional horse sector in Europe;
- R. whereas equidae are social animals with cognitive abilities and strong affiliative ties, and whereas they are used in a range of educational and training programmes as well as therapy and rehabilitation programmes, including in cases of autistic spectrum disorders, cerebral palsy, cerebrovascular accident, learning or language disabilities and difficulties, offender rehabilitation, psychotherapy, post-traumatic stress disorder and addiction;
- S. whereas owners are faced with difficult decisions when they are no longer able to sufficiently care for their equidae, in part due to high veterinary costs, and whereas in some Member States euthanasia is too often the first recourse, and a costly one, for owners who are no longer able to bear the cost of veterinary care and the cost of ensuring the equid's welfare needs; whereas in other Member States equidae can only be euthanised where there is a clear immediate veterinary need, irrespective of the long-term welfare of the animal concerned;
- T. whereas equidae are not considered to be food-producing animals in many countries outside the Union, and whereas equine meat is routinely imported from these countries to be sold and placed on the EU market; whereas this situation gives rise to welfare issues and distortions of competition because, for the time being, the EU does not allow meat from European horses not originally intended for meat production and slaughter to enter the human food chain, while more flexibility is allowed for meat imported from third countries;
1. Recognises the considerable economic, environmental and social contribution equidae make throughout the EU and the essential cultural and educational values directly related thereto, such as respect for animals and for the environment;
2. Points out that equidae are increasingly being used for educational, sporting, therapeutic and recreational purposes on agricultural holdings by farmers seeking to diversify their activities and broaden their income base, and stresses that the presence of equidae facilitates multi-functionality for a farming business, which is conducive to boosting employment in rural areas and contributes to the development of urban-rural relations, local sustainability and cohesion;
3. Calls for greater EU-level acknowledgement of the equid sector, and its benefits for the rural economy, which makes a significant contribution to the EU's general and strategic objectives, and for it to be incorporated to a greater extent into the various CAP components, including direct aid under the first pillar or under the second pillar;

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4. Notes that good equid health and welfare boosts the economic output of farms and businesses alike and benefits the rural economy overall, while also accommodating the growing demand of EU citizens for higher animal health and welfare standards;
5. Calls on the Commission to recognise the status of working animals for equidae as an important tool in agricultural activities in rural areas of Europe, especially in mountainous and hard-to-reach areas;
6. Stresses that equid owners should have a minimum level of knowledge of equid husbandry, and that with ownership comes a personal responsibility for the standard of health and welfare of the animals in their care;
7. Highlights that knowledge exchange between equidae owners, but also between Member States, should be an important tool for meeting these needs, and notes that alongside the emergence of new scientific knowledge, legislative developments and learning methods, equid professionals have improved their working methods in such a way as to enhance equid welfare;
8. Notes that most equid owners and handlers behave responsibly; highlights that the increased promotion of animal welfare has the best opportunity to succeed within the framework of economically viable production systems;
9. Notes that the professionals need to remain economically viable while responding effectively to new challenges such as limited natural resources, the effects of climate change and the emergence and spread of new diseases;
10. Encourages the Member States to create an environment in which on-farm businesses are viable;
11. Underlines, with reference to the 10 OIE principles, the importance of the forthcoming Animal Welfare Reference Centres for improved levels of full compliance with, and consistent enforcement of, legislation, along with the dissemination of information and best practice relating to animal welfare;
12. Calls on the Commission to commission a Eurostat study to analyse the economic, environmental and social impact of all aspects of the equid sector and to supply statistical data on a regular basis on the use of services, transport and slaughter of equidae;
13. Calls on the Commission to develop European Guidelines on Good Practice in the Equid Sector for various users and specialists, drawn up in consultation with stakeholders and organisations from the equid sector and based on existing guides, including a focus on species-specific welfare and behavioural care, in addition to end-of-life care;
14. Calls on the Commission to ensure equal application of the EU Guidelines and to release resources for translation of this document;
15. Calls on the Commission to encourage and collect exchanges of good practices and educational programmes of different Member States in terms of animal welfare and to support the production and dissemination of this information on how to meet the needs of equidae, irrespective of their role, based on the 'five freedoms' and covering the entirety of an equid's life;
16. Calls on the Commission, when setting up its European Guidelines on Good Practice in the Equid Sector, to consider the multifunctional role of equidae by including guidance on responsible breeding, animal health and welfare and the benefits of equid sterilisation, work in tourism, agriculture and forestry, species-appropriate transport and slaughter and protection against fraudulent practices, including doping, and recommends that such guidance be disseminated, in collaboration with EU-recognised representative professional agricultural organisations, to breeders, equid societies, farms, stables, sanctuaries, transporters and slaughterhouses, and that it be accessible in a variety of formats and languages;
17. Calls on the Commission and the Member States to support the work of the European Horse Network and the European State Stud Association, as they play an important role in the development of the European horse sector by serving as a platform to exchange best practices and by preserving traditions, skills, old horse breeds and the impact of the sector;

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18. Urges the Commission to expand its educational resources on farm welfare, directed both at specialists in direct contact with equidae, such as veterinary surgeons, animal breeders and horse owners, and at a broader circle of users, in order to encompass equid welfare and breeding, while stressing the importance of training and information, via the Farm Advisory System;
19. Calls on the Commission and the Member States to also utilise knowledge-transfer schemes to share good practices and business models, to raise awareness of any issues and to foster innovation and new ideas; notes that in some Member States knowledge-transfer schemes already exist in the equid sector;
20. Calls on the Commission to recommit to the development of a European Charter for Sustainable and Responsible Tourism, with the dissemination of clear information to help tourists and stakeholders make welfare-friendly choices when deciding whether or not to use the services of working equidae; stresses that this charter should be based on existing quality charters that have been established by recognised, representative and professional agricultural organisations, and notes that, while some Member States have strict guidelines for working conditions and hours, such protection is lacking in other Member States;
21. Calls on the Commission to issue guidance to Member States on welfare-friendly tourism models with regard to working equidae;
22. Urges the Member States to establish voluntary labour guidelines including daily working hours and rest periods to protect working equidae from overwork and economic exploitation;
23. Calls on the Commission to make data from TRACES available to the public far faster than at present;
24. Stresses that existing EU legislation on the protection of animals during transport and related operations is designed to protect animals from injury and suffering, and to ensure that animals are transported in compliance with appropriate conditions and time periods, and is concerned at deficiencies in the enforcement of EU animal welfare transport legislation by many Member States' authorities;
25. Calls on the Commission to ensure the proper application and effective and uniform enforcement of existing EU legislation on animal transport and legally binding reporting across all Member States;
26. Calls on Member States exporting equidae to find ways of encouraging slaughter within their territory so as to avoid, where possible, the transport of live equidae, and calls on the Commission to establish a mechanism for effective monitoring of compliance with the legislative and regulatory provisions under both the future and current legal framework;
27. Requests that the Commission propose a shortened maximum journey limit for all movements of horses for slaughter, based on the findings of the European Food Safety Authority and on the transport guides for equidae produced by industry professionals, taking into account the specific characteristics of different countries' equine industries;
28. Calls on the Commission and the Member States to formulate guidance and to facilitate and enhance scientific research and implement existing research on the welfare of equidae at the time of slaughter in order to develop humane methods of slaughter better suited to equidae, and to disseminate these guidance documents to the competent authorities of the Member States;
29. Calls on the Commission and the Member States to fully and properly commit to inspections and to conduct regular audits of the slaughterhouses on their territory that are licensed to take equidae, to ensure that they are able to meet the specific welfare needs of equidae, particularly in terms of facilities and qualification of staff;

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30. Calls on the Commission to commit to developing validated animal welfare indicators, which should be used to assess the welfare of equidae, to identify existing problems and to help drive improvements, while ensuring practical implementation and benefits for the sector, and considers it important to include stakeholders who have implemented similar tools across the EU, and to work in close cooperation with representatives of professional organisations from the equid sector in the process of setting up animal welfare indicators;
31. Urges the Commission and the Member States to encourage horse owners to form associations;
32. Stresses the importance of the humane treatment and welfare of equidae, and the principle that any cruel, abusive treatment by any owner, trainer, groom or other person must not be tolerated anywhere, under any circumstances;
33. Calls on the Member States to apply stricter legislation regarding the mistreatment and abandonment of animals, including extraordinary measures to combat abandonment, and to fully and properly investigate reports of inhumane practices and welfare violations vis-à-vis equidae;
34. Notes that differences exist between equid species and such differences alter welfare needs, including those relating to end-of-life care and slaughter requirements;
35. Calls on the Commission to undertake a study and to document these differences and issue species-specific guidelines to ensure that welfare standards are maintained;
36. Calls on the Commission and the Member States to support research and development on species-appropriate husbandry systems in the equid sector, taking into consideration the natural behaviour of equidae as herd animals with a tendency to flee;
37. Calls on the Commission to prioritise a pilot project to examine the use of new and existing funding schemes to reward good welfare outcomes for working equidae, including those on small and semi-subsistence farms;
38. Calls on the Member States to ensure that Commission Implementing Regulation (EU) 2015/262 ('Equine Passport Regulation') is fully and properly implemented;
39. Notes that the price of veterinary medicines, the cost of carcass disposal and the cost of euthanasia, where permitted, can serve as a barrier in themselves to the ending of an equid's life, leading to prolonged suffering;
40. Calls on the Member States to investigate reports of inhumane practices during euthanasia and welfare violations such as the improper use of drugs and to report violations to the Commission;
41. Recognises the growth of donkey and horse milk production, and calls on the Commission to issue guidance on donkey and horse milk farming;
42. Calls on the Member States, in cooperation with professional, representative and recognised agricultural organisations, to commit to increasing the number of inspections on donkey and horse milk farms;
43. Expresses serious concern about the import and use of veterinary medicinal products containing Pregnant Mare Serum Gonadotropin (PMSG);
44. Calls on the Commission's Directorate for Health and Food Audits and Analysis to inspect certified PMSG hormone producers, by means of audits, for compliance with animal welfare provisions during production and to investigate and produce a report on the welfare and treatment of mares used for the collection of hormones for use in the pharmaceutical industry;

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45. Underlines that a fair fiscal system, adapted to the different needs of each Member State, that allows professional equid farmers to generate the necessary revenues to maintain economic activity in European equestrian farms, is not yet in place;
46. Notes that a fairer fiscal system for the equine sector would enable the sector to operate within a level-playing field, increase the transparency of equid-related activities and thereby combat fraud and address grey-economy issues and allow professional horse farmers to generate the necessary revenues to maintain their economic activity;
47. Takes the view that VAT law applying to the equine sector should be clarified during the forthcoming revision of the VAT Directive in order to foster the development of a growth- and jobs-oriented equine sector;
48. Calls on the Commission to take action to afford Member States greater flexibility in setting a reduced rate of VAT for all activities in the industry, and believes that such clarification should result in the establishment of a uniform, dependable and targeted framework for reduced VAT rates that will leave Member States sufficient leeway to frame their own tax policies;
49. Stresses the differences in health requirements applicable to horsemeat produced in Europe and that imported from third countries;
50. Recalls the need to establish effective traceability of horsemeat, and stresses that it is desirable to have an equivalent level of health and food safety requirements and conformity of imports for the European consumer irrespective of the origin of horsemeat consumed;
51. Calls on the Commission, to take action to restore the balance between the level of requirements within the EU and that for which checks are carried out at borders, while protecting consumer health;
52. Calls on the Commission therefore to make indication of the country of origin mandatory for all processed horsemeat products;
53. Calls on the Commission to increase the number of audits conducted in slaughterhouses outside the Union which are authorised for the export of equine meat to the EU, and to conditionally suspend the import of equine meat produced in third countries that do not satisfy EU traceability and food safety requirements;
54. Stresses the need to lift the taboo on the end of life of equidae; considers that facilitating the end of life of a horse does not exclude its entry into the food chain;
55. Calls on the Commission to pay particular attention to end-of-life care for equidae, including the establishment of maximum residue levels (MRLs) for commonly used veterinary medicines such as Phenylbutazone, to guarantee safety in the food chain;
56. Calls on the Member States to promote the reintegration into the food chain, by means of a 'withdrawal period' system based on scientific research which will make it possible to bring an animal back into the food chain after a medicine has been administered to it for the last time, while protecting consumer health;
57. Notes that, for equidae that are not destined for the slaughterhouse to produce food for human consumption (registered as 'not for use in food production'), there is no record in some Member States of any medicines administered and it is possible that they might enter the illegal slaughter circuit and thus seriously endanger public health; calls on the Commission, therefore, to remedy this regulatory loophole;
58. Calls on the Commission to consider, together with the Federation of European Equine Veterinary Associations (FEEVA), harmonising access to treatment and medication throughout the European territory;
59. Considers that such harmonisation would have the advantage of avoiding any distortions of competition and facilitating the wider treatment of equid diseases and more effectively relieving the suffering of equidae;

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60. Calls on the Commission and the Member States to promote exchanges of good practices to facilitate rational use of medicines for equidae;
 61. Notes that, while therapy and veterinary medicines are at times necessary and appropriate, more effort is needed to tackle the low levels of investment and the lack of medicines, including vaccines, available to treat equidae;
 62. Draws attention moreover to the need to develop pharmaceutical research and innovation concerning the administration of medicines to equidae, as the sector severely lacks medicines adapted to equid metabolisms;
 63. Calls on the Commission to finance additional research into the possible effects of different medication on the lives of equidae;
 64. Notes that some of the equine races bred in the Member States are local breeds forming part of the way of life and culture of certain communities, and that some Member States have included in their rural development programmes measures to protect and further distribute these breeds;
 65. Calls on the Commission to commit itself to financial support programmes for the preservation and protection of native species of equidae in the wild or in danger of extinction in the EU;
 66. Recognises the high ecological and natural value of populations of wild equidae, which contribute to clearing and fertilising the areas in which they live, along with the tourism-related value that wild horse populations offer, and calls for more research into the problems faced by these populations;
 67. Instructs its President to forward this resolution to the Council and the Commission.
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P8_TA(2017)0073

Equality between women and men in the EU in 2014-2015**European Parliament resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015 (2016/2249(INI))**

(2018/C 263/07)

The European Parliament,

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the United Nations Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women (CEDAW),
- 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 ⁽¹⁾,
- 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,
- 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 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 ⁽²⁾,
- having regard to its position of 20 October 2010 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (Maternity Leave Directive) ⁽³⁾,
- 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 ⁽⁴⁾,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽⁵⁾,
- 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 ⁽⁶⁾,

⁽¹⁾ OJ L 315, 14.11.2012, p. 57.

⁽²⁾ OJ L 101, 15.4.2011, p. 1.

⁽³⁾ OJ C 70 E, 8.3.2012, p. 162.

⁽⁴⁾ OJ L 204, 26.7.2006, p. 23.

⁽⁵⁾ OJ L 373, 21.12.2004, p. 37.

⁽⁶⁾ OJ L 353, 28.12.2013, p. 7.

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- having regard to the EU directives from 1975 onwards on aspects of equal treatment for women and men (Directive 2010/41/EU ⁽¹⁾, Directive 2010/18/EU ⁽²⁾, Directive 2006/54/EC, Directive 2004/113/EC, Directive 92/85/EEC ⁽³⁾, Directive 86/613/EEC ⁽⁴⁾ and Directive 79/7/EEC ⁽⁵⁾),
- having regard to the Commission proposal of 14 March 2012 for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (Women on boards directive) (COM(2012)0614),
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and its article 3 defining ‘gender’ as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’,
- having regard to the Commission proposal of 4 March 2016 for a Council decision on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence (COM(2016)0111),
- having regard to the Council conclusions of 16 June 2016 on gender equality (00337/2016),
- having regard to the Council conclusions of 5-6 June 2014 on preventing and combating all forms of violence against women and girls, including female genital mutilation (09543/2014),
- having regard to the Council conclusions of 7 December 2015 on equality between women and men in the field of decision-making (14327/2015),
- having regard to the Trio Presidency Declaration of 7 December 2015 signed by the Netherlands, Slovakia and Malta,
- having regard to the Commission communication of 3 March 2010 entitled ‘EUROPE 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to the Commission staff working document of 3 March 2015 entitled ‘2014 Report on equality between women and men’ (SWD(2015)0049),
- having regard to the Commission staff working document of 4 March 2016 entitled ‘2015 Report on equality between women and men’ (SWD(2016)0054),
- 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 its resolutions of 10 February 2010 on equality between women and men in the European Union — 2009 ⁽⁶⁾, of 8 March 2011 on equality between women and men in the European Union — 2010 ⁽⁷⁾, of 13 March 2012 on equality between women and men in the European Union — 2011 ⁽⁸⁾ and of 10 March 2015 on progress on equality between women and men in the European Union in 2013 ⁽⁹⁾,

⁽¹⁾ OJ L 180, 15.7.2010, p. 1.

⁽²⁾ OJ L 68, 18.3.2010, p. 13.

⁽³⁾ OJ L 348, 28.11.1992, p. 1.

⁽⁴⁾ OJ L 359, 19.12.1986, p. 56.

⁽⁵⁾ OJ L 6, 10.1.1979, p. 24.

⁽⁶⁾ OJ C 341 E, 16.12.2010, p. 35.

⁽⁷⁾ OJ C 199 E, 7.7.2012, p. 65.

⁽⁸⁾ OJ C 251 E, 31.8.2013, p. 1.

⁽⁹⁾ OJ C 316, 30.8.2016, p. 2.

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- having regard to the Commission communication of 25 November 2013 entitled ‘Towards the elimination of female genital mutilation’ (COM(2013)0833) and to its resolution of 6 February 2014 ⁽¹⁾ on the elimination of female genital mutilation,
- having regard to the results of the European Union lesbian, gay, bisexual and transgender (EU LGBT) survey carried out by the Agency for Fundamental Rights (FRA) and published in May 2013,
- having regard to the FRA report entitled ‘Violence against women — an EU-wide survey. Main results’, published in March 2014,
- having regard to the FRA report entitled ‘The fundamental rights situation of intersex people’, published in May 2015,
- having regard to the report of the European Network of Equality Bodies (EQUINET) entitled ‘The Persistence of Discrimination, Harassment and Inequality for Women. The Work of Equality Bodies informing a new European Commission Strategy for Gender Equality’, published in 2015,
- having regard to the reports of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) entitled ‘The gender employment gap: challenges and solutions’ (2016), ‘Social partners and gender equality in Europe’ (2014), ‘Developments in working life in Europe: EurWORK annual review’ (2014 and 2015), and the Sixth European Working Conditions Survey (EWCS) (2016),
- having regard to its resolution of 3 February 2016 on the new Strategy for gender equality and women’s rights post-2015 ⁽²⁾ and to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 ⁽³⁾,
- having regard to its resolution of 25 February 2014 on combating violence against women ⁽⁴⁾,
- having regard to its resolution of 9 September 2015 on empowering girls through education in the EU ⁽⁵⁾,
- having regard to its resolution of 8 March 2016 on the situation of women refugees and asylum seekers in the EU ⁽⁶⁾,
- having regard to its resolution of 28 April 2016 on women domestic workers and carers in the EU ⁽⁷⁾,
- having regard to its resolution of 26 May 2016 on poverty: a gender perspective ⁽⁸⁾,
- having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance ⁽⁹⁾,

⁽¹⁾ Texts adopted, P7_TA(2014)0105.

⁽²⁾ Texts adopted, P8_TA(2016)0042.

⁽³⁾ OJ C 407, 4.11.2016, p. 2.

⁽⁴⁾ Texts adopted, P7_TA(2014)0126.

⁽⁵⁾ Texts adopted, P8_TA(2015)0312.

⁽⁶⁾ Texts adopted, P8_TA(2016)0073.

⁽⁷⁾ Texts adopted, P8_TA(2016)0203.

⁽⁸⁾ Texts adopted, P8_TA(2016)0235.

⁽⁹⁾ Texts adopted, P8_TA(2016)0338.

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- having regard to its resolution of 15 September 2016 on application of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive') ⁽¹⁾,
 - having regard to its resolution of 8 March 2016 on Gender Mainstreaming in the work of the European Parliament ⁽²⁾,
 - having regard to its resolution of 12 May 2016 on implementation of Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective ⁽³⁾,
 - having regard to the Commission progress report of 3 June 2013 on the Barcelona objectives entitled 'The development of childcare facilities for young children in Europe with a view to sustainable and inclusive growth' ⁽⁴⁾,
 - having regard to the Commission Recommendation of 20 February 2013 on 'Investing in children: breaking the cycle of disadvantage' ⁽⁵⁾,
 - having regard to the European Institute for Gender Equality (EIGE)'s 2015 Gender Equality Index, and the 'Beijing + 20: 4th Review of the Implementation of the Beijing Platform for Action in the EU Member States' and other reports by EIGE,
 - having regard to the study of the European network of legal experts in gender equality and non-discrimination entitled 'A comparative analysis of gender equality law in Europe 2015' of January 2016,
 - having regard to the agreed conclusions on 'the role of men and boys in achieving gender equality' by the 48th session of the United Nations Commission on the Status of Women (CWS) in March 2004 ⁽⁶⁾,
 - 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, and the goals and targets on gender equality, women's rights and the empowerment of women included in that document,
 - having regard to the Commission statistical report of April 2014 entitled 'Single parents and employment in Europe' ⁽⁷⁾,
 - 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 (A8-0046/2017),
- A. whereas the EIGE 2015 Gender Equality Index shows only marginal improvements: the EU remains only halfway towards achieving gender equality, with the overall score since 2005 having risen from 51,3 to 52,9 out of 100; whereas faster progress is needed if the EU is to meet the targets of Europe 2020;
- B. whereas in recent years some Member States have seen a substantial increase in civic and political movements to the detriment of equal rights for women and men, and which even challenge the overall need for gender equality policies; whereas this backlash against gender equality aims at reinforcing traditional gender roles and at challenging existing and future achievements in the area of gender equality, women's rights and the rights of LGBTI people;

⁽¹⁾ Texts adopted, P8_TA(2016)0360.

⁽²⁾ Texts adopted, P8_TA(2016)0072.

⁽³⁾ Texts adopted, P8_TA(2016)0227.

⁽⁴⁾ ISBN 978-92-79-29898-1.

⁽⁵⁾ OJ L 59, 2.3.2013, p. 5.

⁽⁶⁾ <http://www.un.org/womenwatch/daw/csw/csw48/ac-men-auv.pdf>

⁽⁷⁾ ISBN 978-92-79-36171-5.

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- C. whereas equality between women and men is a fundamental right enshrined in the Treaty on European Union and the Charter of Fundamental Rights; whereas the European Union's objective in this field is likewise to ensure equal opportunities and treatment for men and women and to combat all discrimination based on gender;
- D. whereas in 2015 the employment rate for women reached an all-time high of 64,5 %, but remained well below that for men, which stood at 75,6 %; whereas, deplorably, women are four times more likely than men to engage in and remain in part-time work, often involuntarily; whereas many young people remain poor despite working, especially in Greece, Spain, Croatia, Italy, Cyprus, Portugal and Slovakia;
- E. whereas the female unemployment rate is underestimated, since many women are not registered as unemployed, particularly those who live in rural or remote areas, those who help out in family businesses and many of those who devote themselves exclusively to household tasks and childcare; whereas this situation also creates a disparity in terms of access to public services (benefits, pensions, maternity leave, sick leave, access to social security, etc.);
- F. whereas Eurofound's report on the gender employment gap estimates that the gender employment gap is costing the EU around EUR 370 billion per year, or 2,8 % of EU GDP ⁽¹⁾;
- G. whereas, in those countries affected by the economic crisis and budget cuts, women have been disproportionately affected, particularly young women, elderly women, single mothers and women suffering from multiple discrimination, and whereas this has led them into poverty and social marginalisation by increasingly excluding them from the labour market; whereas cutbacks in public care and health services leads to a transfer of the responsibility for care from society back to households, mostly affecting women;
- H. whereas the feminisation of poverty persists in the EU, and whereas the very high proportions of unemployment, poverty and social exclusion among women are closely linked to budget cuts to public services, such as healthcare, education, social services and welfare benefits; whereas these policies lead to greater job instability, particularly because of the increase in involuntary part-time work and temporary contracts;
- I. whereas in 2015 three quarters of household chores and two thirds of parental care tasks were performed by working women, who therefore overwhelmingly bore a double burden of responsibilities; whereas women in general take overwhelmingly greater responsibility for parental care tasks and household chores; whereas traditional gender roles and stereotypes continue to have a strong influence on role distribution between women and men in the home, in the workplace and in society in general; whereas such a traditional division of responsibilities tends to perpetuate the status quo, limiting the employment opportunities and personal development of women and leaving them with little time for social and community inclusion or economic participation; whereas an equal sharing of 'unpaid work', such as care provision and domestic responsibilities between women and men, is a precondition for women's economic independence in the long term;
- J. whereas certain family-related types of leave still continue to be grounds for discrimination and stigmatisation for both women and men, despite the existing policy framework and legislation at EU and national level, and whereas this particularly affects women as the main carers using family-related leave;

⁽¹⁾ Eurofound report (2016): 'The gender employment gap: challenges and solutions'.

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- K. whereas close to a quarter of EU Member States have no statutory provisions for paternity leave, and whereas a number of those that do have such provisions allow men to take leave for only one, two or several days; whereas in eight Member States parental leave is not accompanied by any pay, while the average take-up of parental leave by fathers is poor, with only 10 % of fathers taking at least one day of leave and 97 % of women using the parental leave that is available for both parents; whereas the promotion of a greater uptake of parental leave and paternity leave is essential to achieving gender equality; whereas the Eurofound study ⁽¹⁾ illustrated aspects that influence fathers' take-up rate of parental leave, namely: the level of compensation, the flexibility of the leave system, the availability of information, the availability and flexibility of childcare facilities and the fear of exclusion from the labour market due to taking leave;
- L. whereas one precondition for women's active inclusion in the labour market is the availability of quality accessible and affordable care facilities and services for children, elderly relatives and other dependent family members; whereas the Barcelona objectives are an excellent tool for achieving real gender equality, and whereas all Member States must set out to achieve them as soon as possible; whereas as a result of a lack of high-quality childcare facilities and services at affordable prices, mothers are increasingly forced to choose between working part-time and giving up their jobs to take care of their children, with repercussions on the family income and pension savings;
- M. whereas access to training and the fundamental human right to education of girls and women are important European values and essential elements for the empowerment of girls and women on the social, cultural and professional levels, as well as for the full enjoyment of all other social, economic, cultural and political rights and subsequently the prevention of violence against women and girls; whereas free, compulsory universal education is a *sine qua non* for guaranteeing equal opportunities for all, as it should be available to all children, without any discrimination and regardless of their residence status; whereas the fight against gender inequality starts at pre-school age and requires the constant pedagogical supervision of curricula, development aims and learning outcomes;
- N. whereas gender equality is the responsibility of all individuals in society and requires the active contribution of both women and men; whereas authorities should commit to the development of education campaigns directed at men and younger generations, with the aim of involving men and boys as partners, gradually preventing and eliminating all forms of gender-based violence and promoting or empowering women;
- O. whereas, despite the fact that women attain on average a higher level of education than men, the EU-average gender pay gap remained at 16,1 % in 2014, though there are significant differences between the Member States;
- P. whereas horizontal and vertical gender segregation in employment is still a prevalent phenomenon, caused among other aspect by the fact that less value is attributed to jobs considered 'feminine' than to those considered 'masculine', by the persistent glass ceilings, which prevent women from reaching the highest and best-paid positions and by the over-representation of women in part-time work, which is less well paid than full-time work; whereas, although women match or even outnumber men at graduate levels, the impact of gender stereotypes on education, training and decisions made by students at school can influence choices throughout their lives and subsequently has significant implications for the labour market; whereas stereotypes widely conveyed by society relating to the incompatibility of women having children and full-time employment leave women in a disadvantaged position and may deter young women from proceeding with higher education or making career investments;

⁽¹⁾ Eurofound report (2015): 'Promoting uptake of parental and paternity leave among fathers in the European Union'.

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- Q. whereas Eurofound's Working Condition Survey composite indicator of paid and unpaid working time shows that, overall, women's working hours are longer when the paid and unpaid working hours are computed ⁽¹⁾;
- R. whereas in sectors relating to, but not limited to, goods, services or agriculture, there is uneven access to economic and financial resources such as assets, capital, productive resources and credit between men and women;
- S. whereas the pension gap still persists in the EU and stood at an overwhelming 40,2 % in 2014; whereas it is the result of disadvantages accrued by women over time, such as lack of access to the many financial resources, such as benefits and pension systems, that come with full-time employment, and for which many women are ineligible as they tend to stay in part-time employment or face job discontinuity due to care responsibilities;
- T. whereas some Member States in the EU maintain the practice of non-individualisation of tax and social security systems; whereas this situation may make women dependent on their spouses, as they may have been granted only derived rights through their relationship to men;
- U. whereas in the past decade the overall proportion of women in national/federal parliaments has increased by only around 6 %, reaching 29 % in 2015;
- V. whereas in 2015 only 6,5 % of presidents and 4,3 % of CEOs in the largest publicly listed companies on the stock exchange were women;
- W. whereas, despite the EU's commitment to gender equality in decision-making, the management boards of EU agencies are seriously lacking in gender balance, and show persisting patterns of gender segregation, whereby on average 71 % of management-board members are men, and only one in three management boards are chaired by a woman, and out of 42 Executive Directors in EU Agencies, only 6 are women;
- X. whereas more than half of female murder victims are killed by an intimate partner, relative or family member ⁽²⁾; whereas 33 % of women in the EU have experienced physical and or sexual violence and 55 % have been sexually harassed, 32 % in the workplace; whereas women are particularly vulnerable to sexual, physical and online violence, cyber bullying and stalking;
- Y. whereas violence against women is one of the world's most widespread human rights violations, affecting all levels of society, regardless of age, education, income, social position and country of origin or residence, and representing a major hindrance to equality between women and men; whereas the phenomenon of femicide is not decreasing in Member States;
- Z. whereas population surveys on attitudes to violence against women show a worrying prevalence of the tendency to blame the victim, which might be one of the effects of patriarchy; whereas strong condemnation of such behaviour by public authorities and other institutions is often missing;
- AA. whereas digital modes of communication have contributed to the prevalence of hate speech and threats against women, with 18 % of women in Europe having suffered some form of online harassment since adolescence and nine million victims of online violence in Europe; whereas there is a lack of responsiveness by the justice system towards violence against women online; whereas abusers and haters are very rarely reported, investigated, prosecuted and sentenced;
- AB. whereas 23 % of lesbian women and 35 % of transgender persons had been physically/sexually attacked or threatened with violence at home or elsewhere (in the street, on public transport, at the workplace, etc.) at least once in the last five years;

⁽¹⁾ Eurofound (2015): 'First findings: Sixth European Working Conditions Survey'.

⁽²⁾ <http://ec.europa.eu/eurostat/web/crime/database>

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- AC. whereas the EU LGBT survey found that lesbian, bisexual and transgender women face a huge risk of discrimination on the basis of their sexual orientation or gender identity; whereas gender-based discrimination intersects with other discrimination on grounds of race and ethnicity, religion, disability, health, gender identity, sexual orientation and/or socio-economic conditions;
- AD. whereas conditions are worsening for certain groups of women who frequently face an accumulation of multiple difficulties and risks and high levels of discrimination;
- AE. whereas in 2015 the EU experienced an unprecedented increase in the number of refugees and asylum seekers on its territory; whereas, according to the UNHCR, women and children represented more than the half of these refugees and asylum seekers, and whereas instances of violence and abuse, including sexual violence, against refugee women and children, have been reported throughout their journey, including in overcrowded reception centres in the EU;
- AF. whereas women and girls make up 80 % of registered victims of trafficking in human beings ⁽¹⁾; whereas identifying victims remains a challenge, and whereas victim support and protection needs to be reinforced and all counter-trafficking efforts must contain a gender-sensitive aspect;
- AG. whereas one of the main aims of human trafficking is sexual exploitation, and whereas the women who fall victim to it are forced to live a life of imprisonment and tyranny through daily violence, both physical and psychological in nature;
- AH. whereas sexual and reproductive health and rights are fundamental human rights and an essential element of gender equality and self-determination, and whereas they should be included in the EU Health Strategy;
- AI. whereas women's health should never be put at risk because of conscientious objection or personal beliefs;
- AJ. whereas application of EU gender equality law in the Member States has been found to carry specific problems related to the transposition and application of the relevant directives, such as substantive deficiencies in legislation and its inconsistent application by national courts, but importantly also a general lack of awareness about equality principles and law ⁽²⁾;
- AK. whereas EU gender equality directives in particular are not properly implemented in a number of Member States which do not protect transgender people against discrimination in the areas of access to employment and access to goods and services;
- AL. whereas institutional mechanisms for gender equality are often marginalised in national governmental structures, split into different policy areas, hampered by complex and expanding mandates, lacking adequate staff, training, data and sufficient resources, and experience insufficient support from political leadership ⁽³⁾;
- AM. whereas the persistent problem of a lack of comprehensive, reliable, gender-disaggregated data creates ambiguities and distorts the picture of the situation of gender equality, in particular in terms of violence against women and gender-based violence; whereas collecting such data would not only provide a clear picture of the situation, but would also draw attention to issues of immediate concern;
- AN. whereas social partners have a key role to play in achieving equality targets because of their critical role in shaping labour market and social conditions through their involvement in policymaking and collective bargaining at various levels, although it is clear that the specific role they play in different countries and industrial relations systems depends strongly on national traditions and organisational strength ⁽⁴⁾;

⁽¹⁾ Eurostat report, 'Trafficking in human beings', 2015 edition.

⁽²⁾ The European network of legal experts in gender equality and non-discrimination: 'A comparative analysis of gender equality law in Europe 2015'.

⁽³⁾ EIGE (2014): 'Effectiveness of institutional mechanisms for the advancement of gender equality. Review of the implementation of the Beijing Platform for Action in the EU Member States'.

⁽⁴⁾ Eurofound report (2014): 'Social partners and gender equality in Europe'.

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AO. whereas, as the 2016 Eurobarometer suggests, 55 % of Europeans would like the EU to intervene more in the area of equal treatment between men and women; whereas the Commission's obligation to achieve gender equality in accordance with the Treaties is independent of polls;

1. Is deeply concerned that the EU remains only halfway towards achieving gender equality, according to the 2015 EIGE Gender Equality Index; strongly regrets the fact that the status and profile of gender equality and the combating of gender discrimination shows signs of decreasing in importance, being marginalised as a political goal and undermined as a policy area, in particular in the context of a backlash across Europe against the rights of women, LGBTI persons and sexual and reproductive health rights and deems it necessary to consider the reasons behind this trend and to review the current strategies, tools and approaches promoted in the area of gender equality;

2. Points out that the EU is obliged to combat social exclusion and discrimination under the TEU and that the Treaty on the Functioning of the European Union (TFEU) enshrines the EU's commitment to eliminating inequality and promoting equality between men and women; stresses that the principle of gender equality does not preclude the maintenance or adoption of measures which provide concrete benefits for the under-represented gender, as laid down in Article 23 of the Charter of Fundamental Rights;

3. Calls on the Commission to mainstream gender equality into budgets and policy-making, and into the implementation of EU measures and programmes, and to carry out gender impact assessments when setting up any new policy to help ensure a more coherent and evidence-based EU policy response to gender equality challenges; calls on the Member States to undertake corresponding measures at the national level;

4. Asks the Commission for a greater assessment of and measures to address and take steps to stop the impact of those public spending cuts which are having negative effects on women's rights and gender equality in the Member States;

5. Regrets the absence of gender mainstreaming in the Europe 2020 strategy, and calls for the inclusion of overall and stronger gender mainstreaming therein, addressing the structural causes of female poverty, in particular in the framework of formulating the country-specific recommendations in the context of the European semester, and for specific policy guidance on reducing gender inequalities to be included in the annual growth survey;

6. Notes the intersectionality between gender and other grounds for discrimination and the disproportionate impact of multiple discrimination on women; maintains that poverty among women, in particular among older women, single mothers, women victims of gender-based violence, women with disabilities, migrant women, women refugees and asylum seekers, and women from minorities, needs to be tackled as a matter of urgency; encourages the Member States to work with regional and local authorities, law enforcement bodies, national equality bodies and civil society organisations to increase monitoring of the intersectionality between gender and different grounds for discrimination, and to implement more effective inclusion strategies by making efficient use of social policy resources, not least the European Social Fund and the Structural Funds;

7. Supports the Council's call for a new Commission initiative setting out a strategy for gender equality 2016-2020, inclusive of transgender and intersex people, and for the status of its strategic engagement on gender equality to be enhanced, which should be closely linked to the Europe 2020 strategy and take into account the United Nations 2030 Agenda for Sustainable Development;

8. Calls on the Commission and the Member States to strengthen policies and increase investment supporting female employment in quality jobs across all sectors and to take steps to combat precarious forms of work;

9. Encourages the Member States to promote initiatives, measures and actions to assist and advise women who decide to become entrepreneurs;

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10. Calls on the Commission to bring together a gender perspective with macro-economic policy and to impose innovative measures in order to improve equal work opportunities and care responsibilities for both genders;

11. Notes that equal participation by women and men in the labour market and better and fairer wages for women would not only increase the economic independence of women, but also significantly increase the economic potential of the EU, while consolidating its fair and inclusive nature; points out that, according to OECD projections, total convergence in participation rates would result in a 12,4 % increase in per capita GDP by 2030;

12. Calls on the Commission and the Member States to monitor and take action against violations of the rights of workers, especially female workers, who increasingly work in low-paid jobs and are the victims of discrimination, as well as to adopt policies and take measures to identify, protect against, provide information about and tackle the phenomenon of mobbing in the workplace, including the harassment of pregnant employees or any disadvantage experienced after returning from maternity leave or when applying for jobs; calls on the Commission and the Member States to provide both gender and parenthood disaggregated data regarding pay and pension gaps;

13. Emphasises that education is an important tool for enabling women to participate fully in social and economic development; stresses that lifelong learning measures are key to providing women with skills that can enable them to return to employment or improve their employment, income and working conditions; calls on the Commission to promote initiatives offering support in implementing professional education programmes for women, encouraging them to attend higher education in the fields of science, technology and IT, developing training programmes on gender equality for education professionals, and preventing stereotypes from being passed on through curricula and pedagogical material; calls on universities and research institutions to adopt gender equality policies, by following the guidelines developed by EIGE, in cooperation with the Commission ('GEAR tool — Gender Equality in Academia and Research');

14. Calls on all Member States to tackle the gender equality issue, sexism and gender stereotypes in their education systems at all levels and to ensure that the goals of their education systems include education in the respect for fundamental rights and freedoms and in equal rights and opportunities for women and men, and that their quality principles include elimination of the obstacles to genuine equality between women and men and the promotion of full equality between them;

15. Calls on the Commission, in close coordination with the Member States, to put forward, an ambitious, comprehensive package of legislative and non-legislative measures regarding work-life balance as part of the Commission Work Programme 2017, taking into account the announced European pillar of social rights, and including the revision of existing Maternity Leave Directive 92/85/EEC and Parental Leave Directive 2010/18/EU as well as the proposals for directives on paternity leave and carer's leave, encouraging the equal take-up of leave arrangements by men and women across all categories of workers;

16. Notes with appreciation that in 2014-2015 a number of Member States changed their policy and/or legislation on parental leave, introducing the non-transferability of the right to take the leave, the mandatory nature of paternity leave, longer paternity leave and/or bonuses if leave is shared between parents or equally shared between parents, which strengthens their rights as parents, ensures a greater degree of equality between women and men and a more appropriate distribution of care and domestic responsibilities, and enhances women's opportunities for participating fully in the labour market; calls on the Commission and the Member States to take measures to encourage men to share equally in domestic responsibilities and in caring for children and other dependants;

17. Invites Eurofound to develop further its activities in monitoring employment quality and working life through its European Working Conditions Survey, based on its concept of job quality as comprising earning, prospects, working-time quality, skills use and discretion, social environment, physical risk and work intensity; invites Eurofound furthermore to develop its research on those policies, social partner agreements and companies' practices which are supportive of a better work-life balance, as well as to develop its research on how dual worker households manage their working time arrangements and how best to support them;

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18. Calls on the Member States that have not yet done so to move towards the individualisation of rights in social equity policy, particularly in tax systems, in order to eliminate financial incentives for the spouse earning less to withdraw from the labour market or to work part-time;

19. Congratulates the Member States which have achieved both Barcelona objectives; encourages Portugal, the Netherlands, Luxembourg, Finland, Italy, Malta and Estonia to achieve the other target, and calls on Poland, Croatia and Romania, where both targets remain far from being achieved, to step up their efforts in providing formal child care in order to contribute to striking a better balance between the private and professional lives of workers; points out that current findings strongly indicate that investing in care for children and the elderly will improve the participation of women in the full-time workforce and allow them to enjoy greater local and social inclusion;

20. Reasserts its call on the Commission and the Member States to strive towards establishing a Child Guarantee, which would 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;

21. Regrets the persistence of the gender pay gap and gender pension gap, and urges the Commission, the Member States and social partners to take urgent action to close the gap;

22. Observes that the first step in combating the gender pay gap is the establishment of transparency on pay levels and notes with enthusiasm that a number of companies have instituted the practice of analysing and publishing the difference in pay between their male and female employees; invites all employers and trade union movements to draft and implement operative, specific job evaluation tools to help determine equal pay for equal work and work of equal value; invites the Member States furthermore to carry out salary- and wage-mapping on a regular basis, to publish the data and to ask companies to introduce internal mechanisms for the detection of pay gaps;

23. Welcomes the fact that the Commission considers 'equal pay for equal work or work of equal value' to be one of the key areas for action; and calls in this context for the recast of the 2006 Equal Treatment Directive;

24. Condemns the fact that in more than half of the Member States the gender pension gap has increased; encourages Cyprus, Germany and the Netherlands to reduce the difference between male and female pensions, which is almost 50 %; calls on Malta, Spain, Belgium, Ireland, Greece, Italy and Austria to close the gender gap in pension coverage, as between 11 % and 36 % of women in those countries have no access to a pension;

25. Congratulates the Government of Sweden on achieving parity in representation in terms of gender, and Slovenia and France on achieving virtual parity, and encourages Hungary, Slovakia and Greece, which have formed governments without any women⁽¹⁾, to ensure that women are sufficiently represented at all levels of political and economic decision-making; calls on the Member States to guarantee gender parity in high-level positions in their governments, public institutions and bodies, and on electoral lists, in order to ensure that there is equal representation in local councils and in regional and national parliaments, as well as in the European Parliament; stresses that various studies have shown that appropriate legislative measures could result in rapid changes to the gender balance in the political sphere; shares the Commission's opinion that, if they are to be effective, quotas should be accompanied by legislation concerning the order of candidate lists and appropriate sanctions in the event of violation;

⁽¹⁾ Developments taking place in 2014 and 2015.

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26. Emphasises that the clear under-representation of women in elected and nominated political positions at EU and Member State level is a democratic deficit that undermines the legitimacy of decision-making at both EU and national level;

27. Calls for the EU institutions to do everything in their power to guarantee gender equality in the College of Commissioners and in high-level positions in all EU institutions, agencies, institutes and bodies;

28. Observes with concern that in 2015 the majority of countries remained below the EU average as regards the level of female representation on boards of large listed companies in comparison with 2010; appreciates, however, the overall trend of progress, in particular in France, Italy, the United Kingdom, Belgium and Denmark;

29. Reiterates its call on the Council for a swift adoption of the directive on gender balance among non-executive directors of listed companies (women on boards directive), as an important first step towards equal representation in the public and private sectors; notes that progress is most tangible (from 11,9 % in 2010 to 22,7 % in 2015) in Member States in which binding legislation on quotas for boards has been adopted ⁽¹⁾;

30. Deplores the fact that only one Member State has achieved gender parity in top higher education establishment posts, while welcoming the fact that female representation in said positions has generally improved;

31. Urges the Member States to prevent and respond to all types of violence against women and gender-based violence and to put in place further prevention strategies, to make specialised support and protection services widely available so that all victims can access them, and to focus special attention on gender-specific aspects of victims' rights, including when related to a victim's gender identity and gender expression, when reporting on the implementation of the Victims' Rights Directive in 2017; calls on the Council to activate the 'passerelle clause' by adopting a unanimous decision adding gender-based violence to the areas of crime listed in Article 83(1) TFEU; calls on the Commission to launch a European register of European protection orders to complement EU legislation on victim protection;

32. Strongly reiterates that gender-based forms of violence and discrimination, including, but not limited to, rape and sexual violence, sexual harassment, female genital mutilation, arranged marriages, and domestic violence, grossly undermine human dignity; calls on the Commission and the Member States to introduce zero-tolerance policies in relation to all forms of violence, including domestic violence, where victims are reluctant to report violence because it is inflicted by partners or members of their own family; urges Member States to give visibility to the situation of women with disabilities as victims of domestic violence, who often cannot escape from the abusive relationship;

33. Welcomes the progress of the Member States in signing the Istanbul Convention, the first legally binding instrument on preventing and combating violence against women at international level; and urges those 14 Member States that have not yet ratified it to do so without delay; welcomes the Commission's proposal from March 2016 on the EU's accession to the Istanbul Convention; calls on the Council and the Commission to speed up negotiations on signing and concluding the Istanbul Convention and supports its accession without reservation and on a broad basis; calls, in addition, on the Commission to include a definition of gender-based violence in line with the provisions of Directive 2012/29/EU and to present as soon as possible, a comprehensive European strategy for preventing and combating gender-based violence, which should contain a binding legislative act;

34. Commends the practice of Eurostat and national judicial authorities and police in cooperating in data exchanges in order to shed light on the deplorable practice of gender-based violence in the EU, and invites them to make this a continuous practice by monitoring, in cooperation with EIGE, the occurrence of crime committed against women on an annual basis;

⁽¹⁾ European Commission Factsheet 'Gender balance on corporate boards — Europe is cracking the glass ceiling', October 2015; European Commission, DG JUST, 'Women in economic decision-making in the EU: Progress report: A Europe 2020 initiative', 2012; Aagoth Storvik and Mari Teigen, 'Women on Board: The Norwegian Experience', June 2010.

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35. Underlines the close links between stereotypes and the markedly growing number of harassment cases against women and sexism on the internet and on social media, which also bring about new forms of violence against women and girls, such as cyber-bullying, cyber-harassment, the use of degrading images online and the distribution on social media of private photos and videos without the consent of the people involved; highlights the need to fight these from an early age; underlines that such situations may emerge from a lack of protection from public authorities and other institutions, which are supposed to create a gender-neutral environment and denounce sexism;

36. Urges the Commission and the Member States to put in place all legal and juridical measures to fight against the phenomenon of violence against women online; in particular calls for the EU and the Member States to combine forces through a comprehensive European strategy for preventing and combating gender-based violence with a view to creating a framework recognising the new forms of online violence as a criminal offence, and putting in place psychological support for women and girls who are the victims of violence online; calls for a gender impact assessment of the EU Cybersecurity Strategy and the European Cybercrime Centre (Europol) in order for these issues to be included and for a gender perspective to be adopted in their work;

37. Calls, once again, on the Commission to set up a European monitoring centre on gender violence (along the lines of the current European Institute for Gender Equality), to be led by a European coordinator for the prevention of violence against women and girls;

38. Calls on the Commission and the Member States to include measures to protect women and LGBTI people against harassment in the workplace; calls on the Commission to revise the current EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law ⁽¹⁾, in order to include sexism, bias crime and incitement to hatred on grounds of sexual orientation, gender identity and sex characteristics;

39. Condemns the fact that genital 'normalisation' surgery still takes place on intersex infants in most EU countries, despite not being medically necessary; urges the Member States to avoid such medical treatments without the free and informed consent of the person concerned;

40. Notes that in Malta and Greece intersex people are protected against discrimination on the grounds of sex characteristics; calls on Member States to include the grounds of gender identity and sex characteristics within their gender equality legislation when implementing EU gender equality directives;

41. Highlights that gendered forms of violence and discrimination, including, but not limited to, rape and sexual violence, female genital mutilation (FGM), forced marriage, domestic violence, so-called honour crimes and state-sanctioned gender discrimination, constitute persecution and should be considered as valid reasons for seeking asylum in the EU; supports the creation of safe and legal entry channels to the EU; recalls that women and girls are particularly vulnerable to exploitation by smugglers;

42. Repeats its calls on the Member States to put an immediate end to the detention of children, pregnant and nursing women and survivors of rape, sexual violence and trafficking, and for appropriate psychological and health support to be made available, provided by gender-appropriate professionals such as psychologists, social workers, nurses and doctors who have been suitably trained for such emergencies; recalls that timely support for refugee victims of violence based on gender or (perceived) sexual orientation or gender identity should be provided at all stages of the migration process, including immediate relocation in case their safety cannot be guaranteed, quality mental health support and immediate gender identity recognition for the duration of asylum procedures as a violence-prevention measure;

43. Reiterates that the gender dimension of preventing and combating trafficking in human beings, which is now one of the most profitable activities of organised crime, must be consistently monitored in the implementation of EU anti-trafficking legislation, and repeats its call on the Commission to continue to monitor this in its assessment of Member States' compliance with and implementation of the directive, while ensuring that the reporting obligations and timetable as outlined in the directive are met;

⁽¹⁾ OJ L 328, 6.12.2008, p. 55.

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44. Calls on the Commission to offer both financial and logistical support to Member States involved in combating human trafficking, in particular Italy and Greece, which, in the wake of the current migrant crisis, have found themselves on the front line in tackling this emergency;

45. Calls for efforts at national and EU level to combat the persistence of stereotypes and gender-based discrimination to be stepped up, through awareness-raising campaigns which focus on the non-stereotypical portrayal of women and girls and men and boys and are targeted at all levels of society; calls on the Member States to take positive initiatives such as strategies to encourage women to choose careers and professions in which women are under-represented and men to take on a fair share of family and domestic tasks or increasing understanding among men about how violence, including trafficking for the purposes of commercialised sexual exploitation, forced marriages and forced labour, harms women, men and children and undermines gender equality, as well as taking measures to reduce the demand for trafficked women and children through information campaigns;

46. Reiterates that women must have control over their sexual and reproductive health and rights; calls on all the Member States to guarantee ready access for women to voluntary family planning and the full range of reproductive and sexual health services, including contraception and safe and legal abortion; calls on the Member States and the Commission to undertake public awareness actions with the objective of making men and women fully aware of their rights and responsibilities when it comes to sexual and reproductive matters;

47. Highlights the rising trend of the excessive use of conscientious objection clauses, resulting in hindered access to sexual and reproductive health services; calls on the Member States to ensure that conscientious objection clauses do not prevent patients from accessing lawful medical healthcare;

48. Considers that the denial of life-saving sexual and reproductive health services, including safe abortion, amounts to a grave breach of fundamental human rights;

49. Stresses the importance of active prevention, education and information policies for teenagers, young people and adults to ensure that EU citizens benefit from good sexual and reproductive health and avoid sexually transmitted diseases and unwanted pregnancies;

50. Encourages the competent authorities in the Member States to promote gender equality in their comprehensive sex and relationship education programmes, including teaching girls and boys about relationships based on consent, respect and reciprocity, as well as in sport and leisure activities, where stereotypes and expectations based on gender can affect the self-image, health, acquisition of skills, intellectual development, social integration and identity formation of girls and boys;

51. Underlines the importance of encouraging men to participate fully in all actions towards achieving gender equality and of identifying all contexts in which a large number of men can be reached, particularly in male-dominated institutions, industries and associations, of sensitising men to their roles and responsibilities in the promotion of gender equality and of supporting the principle of shared power and responsibility between women and men in the workplace, in communities, in the private sphere and in the wider national and international communities;

52. Calls on the Member States to monitor those instances where the media and advertising industry promote the sexualisation and commodification of women and frequently portray female stereotypes of youth, beauty and sexual allure as a model of social success; calls on the Commission to take legal action in cases of violation of the Audiovisual Media Services Directive by a Member State and to promote good practices in public and private media enterprises through incentives; urges the media and the advertising industry to respect the dignity of women and to ensure that their portrayal is free from stereotypes and discrimination and in line with existing female diversity; calls, furthermore, on the media and the advertising industry to devote attention to healthy lifestyles, different family models and styles of living;

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53. Recalls the commitments agreed by the EU in the EU-CELAC (Community of Latin American and Caribbean States) 2013 and 2015 Action Plans regarding the eradication of violence against women, and expresses its concern about the lack of implementation of chapter 7 thereof on the promotion of gender equality; calls on the Member States and the European External Action Service to cooperate and allocate economic and institutional resources to assure the fulfilment of the recommendations on the promotion of gender equality agreed in the action plans, especially regarding the eradication of all forms of violence, in accordance with the Belem de Pará Convention, the Istanbul Convention and CEDAW Convention;
54. Underlines that, according to research, the impact of climate change has been shown to be greater for women than men, with women more likely to bear the greater burden in situations of poverty; believes that women must actively participate in climate policy and action;
55. Calls on the Commission to come forward with a proposal for an overarching Sustainable Development Strategy encompassing all relevant internal and external policy areas and to develop effective monitoring, review and accountability mechanisms for the implementation of the 2030 Agenda, including for its targets and indicators on gender equality, women's rights and the empowerment of women;
56. Calls on the Commission to monitor the implementation of existing EU gender equality legislation in the Member States more effectively, while highlighting the necessity of initiating infringement procedures in cases of failure to implement the relevant legislation;
57. Regrets that, despite the interinstitutional declaration on ensuring gender mainstreaming annexed to the multiannual financial framework (MFF), no measures concerning gender budgeting have so far been taken; underlines, in this connection, the need to monitor closely how the principles of the joint declaration have been implemented as regards annual budgetary procedures, and calls for the committee responsible to be given a formal role in the MFF revision process;
58. Calls on the Member State governments to ensure the existence and permanence of and appropriate resources for the bodies tasked with designing, coordinating and implementing policies for gender equality, as a major indicator of the governments' commitment to promoting gender equality;
59. Calls for the EU institutions to introduce specific indicators on gender equality, including the EIGE Gender Equality Index, in the monitoring system of the future EU mechanism on democracy, the rule of law and fundamental rights;
60. Calls on the Commission to develop a broader equality strategy, including a horizontal directive to tackle discrimination, with a view to eliminating gender-based discrimination in all its forms; urges the Council, to that effect, to reach a common position as soon as possible on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age, gender or sexual orientation (COM(2008)0426), which has been blocked since Parliament adopted its position thereon on 2 April 2009 ⁽¹⁾; calls on the Council, once again, to include gender as a factor of discrimination;
61. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.
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⁽¹⁾ OJ C 137 E, 27.5.2010, p. 68.

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P8_TA(2017)0074

Equal treatment between men and women in the access to and supply of goods and services

European Parliament resolution of 14 March 2017 on the application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (2016/2012(INI))

(2018/C 263/08)

The European Parliament,

- having regard to Articles 19(1) and 260 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Protocol No 1 on the role of national parliaments in the European Union,
- having regard to Protocol No 2 on the application of the principles of subsidiarity and proportionality,
- having regard to Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services ⁽¹⁾,
- having regard to the Commission report on the application of Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services (COM(2015)0190),
- having regard to the Commission guidelines of 22 December 2011 on the application of Council Directive 2004/113/EC to insurance, in the light of the judgment of the Court of Justice of the European Union in Case C-236/09 (*Test-Achats*) ⁽²⁾,
- having regard to the judgment of the Court of Justice of the European Union of 1 March 2011 in Case C-236/09 (*Test-Achats*) ⁽³⁾,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and Article 3 thereof defining ‘gender’ as ‘the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men’,
- having regard to the Commission communication entitled ‘A European agenda for the collaborative economy’ (COM(2016)0356),
- having regard to the European Implementation Assessment on Gender Equal Access to Goods and Services — Directive 2004/113/EC of January 2017 carried out by the European Parliamentary Research Service ⁽⁴⁾,
- having regard to the Equinet Report of November 2014 entitled ‘Equality Bodies and the Gender Goods and Services Directive’,
- having regard to the report of the European Network of Legal Experts in the Field of Gender Equality of 2014 entitled ‘Gender Equality Law in 33 European Countries: How are EU rules transposed into national law?’,

⁽¹⁾ OJ L 373, 21.12.2004, p. 37.

⁽²⁾ OJ C 11, 13.1.2012, p. 1.

⁽³⁾ OJ C 130, 30.4.2011, p. 4.

⁽⁴⁾ PE 593.787.

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- having regard to the report of the European Network of Legal Experts in the Field of Gender Equality of July 2009 entitled ‘Sex Discrimination in the Access to and Supply of Goods and Services and the Transposition of Directive 2004/113/EC’,
 - having regard to the Court of Justice ruling in case C-13/94 that the right not to be discriminated against on grounds of sex may include discrimination arising from the gender reassignment of a person ⁽¹⁾ as well as to the EU Fundamental Rights Agency’s LGBTI survey of 2014 and its report entitled ‘Professionally speaking: challenges to achieving equality for LGBT people’, all in the area of goods and services,
 - having regard to the Commission proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament’s position of 2 April 2009 thereon ⁽²⁾,
 - having regard to its resolution of 19 January 2016 on external factors that represent hurdles to European female entrepreneurship ⁽³⁾,
 - 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 Transport and Tourism and the Committee on Legal Affairs (A8-0043/2017),
- A. whereas combating gender discrimination, both direct and indirect, in the field of goods and services is an integral part of the principle of equality between women and men, which constitutes a fundamental value of the European Union, and whereas both the Treaties and the Charter of Fundamental Rights prohibit any discrimination on grounds of sex and require equality between women and men to be ensured in all areas and in all EU Member States;
- B. whereas Directive 2004/113/EC (hereinafter ‘the Directive’) extends the principle of equal treatment of men and women beyond the realm of employment and the labour market and into the field of access to and supply of goods and services;
- C. whereas the Directive prohibits both direct and indirect discrimination based on sex in the access to and supply of goods and services which are available to the public, in both the public and private sectors;
- D. whereas the Directive is applicable to all goods and services provided against remuneration, within the meaning of Article 57 TFEU and according to the relevant case-law of the Court of Justice of the European Union (CJEU); whereas remuneration must not necessarily be provided by those for whom the service is performed and it can be provided in a form of an indirect payment which does not necessarily involve the service recipient;
- E. whereas the media and advertising sectors, education-related services and the services that are provided for within the private sphere are excluded from the scope of the Directive; whereas the Member States have the legislative competence to safeguard the equal treatment of women and men in other areas, and whereas in some cases national legislation goes further than required by the Directive by covering discrimination between men and women in media, advertising and education;
- F. whereas the Directive has been transposed into national law in all 28 Member States; whereas, according to the Commission report, in 2015 intensive dialogue on the sufficient implementation of the Directive was still taking place with six Member States;

⁽¹⁾ ECLI:EU:C:1996:170. See also joint Council and Commission statement, Addendum to outcome of proceedings to the Proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services (st.15622/04 ADD 1).

⁽²⁾ OJ C 137 E, 27.5.2010, p. 68.

⁽³⁾ Texts adopted, P8_TA(2016)0007.

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- G. whereas in the *Test-Achats* ruling the CJEU concluded that Article 5(2) of the Directive works against the achievement of the objective of equal treatment between men and women; whereas that provision was considered to be invalid with effect from 21 December 2012 and as a result unisex premiums and benefits are mandatory in all Member States;
- H. whereas the key problematic areas in the implementation of the Directive include an overly restrictive understanding of the notion of goods and services, broad and sometimes unclear justifications of unequal treatment on the basis of Article 4(5) and insufficient protection of women on grounds of maternity and pregnancy;
- I. whereas in prohibiting discrimination it is important to respect other fundamental rights and freedoms, including the protection of private life and transactions carried out in that context and the freedom of religion;
- J. whereas the Equal Treatment Directive proposed in 2008 would extend protection from discrimination on grounds of religion or belief, age, disability and sexual orientation beyond the labour market to social protection, including social security and healthcare, social advantages, education, and access to and supply of goods and services; whereas the Council so far has not adopted its position on this proposal for a directive;
- K. whereas, while the recent Commission communication entitled 'European agenda for the collaborative economy' represents a good starting point for promoting and regulating this sector effectively, there is a need to incorporate the gender equality perspective and reflect the provisions of the Directive in further analysis and recommendations in this field;
- L. whereas realisation of the full potential of the Directive rests on efficient and consistent gender mainstreaming across the relevant sectors to which it applies;
- M. whereas the work of the European Network of Equality Bodies is crucial for enhancing the implementation of legislation on equal treatment and coordinating cooperation and the sharing of best practices between national equality bodies across the EU;

General considerations

1. Is concerned that the application of the Directive is not uniform and varies across the Member States and that, despite progress achieved in this area, there are still challenges and gaps in its implementation that need to be addressed in some Member States and across certain sectors without delay; calls on the Commission to prioritise addressing in their dialogue with the Member States any remaining gaps in the implementation; stresses the Member States' crucial role in implementing the EU legislation and policies and recommends that greater support from regional and local authorities as well as cooperation with civil society, together with guidance to industry from Member States, may be necessary in ensuring full implementation of the Directive;
2. Notes that the Commission has presented its report on the application of the Directive with a long delay since its first report in 2009;
3. Notes that, while the Commission report states that no specific difficulties have been signalled in implementing several provisions of the Directive, this statement is based on very few cases of discrimination reported, and that overall there is very limited information and that data collection in this area varies considerably at Member State level;
4. Underlines that one of the challenges encountered in some Member States is the low awareness about the rights and protections given to citizens as embedded in the Directive among policy-makers, service providers and citizens themselves; points out that the lack of public knowledge and awareness of the Directive and its provisions may result in a lower number of gender discrimination claims; calls on the Member States, the Commission and the relevant stakeholders to raise awareness, potentially in cooperation with consumer protection organisations, about the provisions of the Directive to enhance the perceived importance of equal treatment in the field of goods and services;

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5. Notes that only some Member States have reported the existence of specific provisions on positive action; calls on the Member States to better integrate and promote provisions on positive action, which is based on a legitimate aim and strives to prevent or compensate gender-based inequalities, as outlined in the Directive;

Insurance, banking and financial sectors

6. Welcomes the implementation of the *Test-Achats* ruling in national legislation by the Member States and the fact that national legislation has been amended in a legally binding manner; points out that there are still challenges related to the conformity of national legislation with the ruling, for example in medical insurance schemes and in relation to the full elimination of discrimination on the grounds of pregnancy and maternity;

7. Highlights the equalising effect on pensions of the ruling which prohibited sex-based actuarial factors in insurance contracts and made unisex premiums and benefits mandatory in private insurance schemes, including pensions; notes that, while this ruling applies only to private schemes, the unisex rule in pensions constitutes a good practice in terms of reducing the gender pension gap; welcomes the decision of some Member States to go beyond the scope of the ruling by extending the unisex rule to cover other types of insurance and pensions, including occupational pension schemes, in order to ensure equality between women and men in these areas; encourages other Member States to consider following suit, if appropriate;

8. Considers that ensuring proper and full implementation of the ruling is crucial; calls on the Commission to monitor, by means of periodic reports, conformity with these rules in the Member States in order to ensure that any gaps are addressed;

9. Highlights that the Directive expressly prohibits the use of pregnancy and maternity as a way to differentiate in the calculation of premiums for the purposes of insurance and related financial services; calls on the Member States to make a greater effort and enhance clarity in protecting the rights and welfare of pregnant women in this field, to safeguard them against unqualified pregnancy-related costs, as pregnant women should not experience higher costs on the sole grounds of their pregnancy, and to raise awareness among service providers as to the special protection afforded to pregnant women; stresses, in particular, the need to ensure that transitional periods in different types of insurance, especially medical insurance, do not interfere with the rights of pregnant women to enjoy equal treatment throughout the period of pregnancy;

10. Reiterates that the right not to be discriminated against on grounds of sex may include discrimination arising from the gender reassignment of a person ⁽¹⁾, and calls on the Commission to ensure that women and men are protected against discrimination on these grounds; highlights that the Directive offers protection in this regard and any further specification can be made in the national law of the Member States; points out, in this respect, that 13 Member States have not yet adopted direct legal provisions protecting transgender persons, who continue to experience discrimination in the supply of and access to goods and services, and points that including such provisions might contribute to raising awareness about the non-discrimination principle; calls on the Commission to monitor discrimination on these grounds in its future reports on the implementation of the Directive;

11. Regrets the persisting discriminatory practices against women and discriminatory practices linked to pregnancy, maternity plans and maternity in terms of access to services provided by the insurance and banking sectors;

12. Notes that the greater difficulty for female entrepreneurs in accessing financing could in part be related to a difficulty in building up sufficient credit history and managerial experience; calls on the Member States to collaborate with the financial sector to ensure equality between men and women in access to capital for freelancers and SMEs; invites them to explore the possibilities of introducing a gender equality perspective into their reporting structures on the attribution of loans, into the tailoring of their risk profiles, investment mandates and staff structures, and into financial products; invites

⁽¹⁾ Joint Council and Commission statement, Addendum to outcome of proceedings to the proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services.

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the Commission to cooperate with the Member States to adopt effective measures with practical examples to ensure that everyone can fully and properly utilise the Directive as an effective means of protecting their rights to equal treatment in accessing all goods and services;

13. Calls for a holistic approach to female entrepreneurship, aimed at encouraging and supporting women in building a career in entrepreneurship, facilitating access to finance and business opportunities, and creating an environment enabling women to realise their potential and become successful entrepreneurs by ensuring, inter alia, the reconciliation of professional and personal life, access to childcare facilities and tailor-made training;

Transport sector and public spaces

14. Notes that while the prohibition of harassment, including sexual and gender-based harassment, is embedded in national legislation, women and transgender and intersex persons continue to experience forms of abuse on means of transport on a systematic and frequent basis and there is a persisting need to enhance preventive measures against harassment, including raising awareness among the service providers;

15. Calls on the Commission and the Member States to facilitate the exchange of best practices in this area; calls for focusing on those preventive measures which are consistent with the principle of equality between women and men, as recommended for example in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which are not limiting to women's liberties and which concentrate primarily on addressing potential perpetrators rather than modifying women's behaviour as potential victims; notes that the Istanbul Convention states that 'the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women' and, therefore, calls on the Member States and the Commission to follow this comprehensive approach in their policy aimed at eradicating violence against women, including the implementation of the anti-harassment provisions outlined in the Directive; calls on the Member States who have not yet done so to ratify the Istanbul Convention and on the Commission and the Council to advance the process of the EU's accession to the Convention;

16. Regrets the fact that parents and carers of small children still face physical access barriers and other obstacles such as insufficient access to baby changing facilities on the premises of service providers; emphasises the need to safeguard the rights of both mothers and fathers to enjoy equal opportunities in the company of their children on the premises of service providers; highlights that equal treatment of both women and men, as parents and carers of small children, in the access to and use of services is crucial for gender equality in general as it promotes equal and shared responsibility for childcare between women and men; calls on the Member States therefore to raise awareness among service providers about the need to have equal and safe facilities for both parents available within their premises;

17. Notes moreover, that carers, predominantly women, have specific accessibility requirements and encourages the Commission therefore to consider all obstacles and constraints encountered by women as the main users of public transportation services and by carers in general, in accordance with the conclusions of the Fifth Conference on Women's Issues in Transportation held in Paris in 2014; underlines that, despite research in this area, limited attention has been given to developing gender-specific policies in the transport sector; notes that integrating the gender-sensitive perspective into the early stages of planning and structuring of means of transport and other public spaces as well as conducting regular gender impact assessments constitutes a good and cost-efficient practice for eradicating physical barriers which undermine equal access for parents and carers of small children;

18. Points out that unequal treatment of women on the grounds of maternity or pregnancy, including breastfeeding on the premises of service providers, still persists across the Member States; considers that the protection of women on the grounds of maternity and pregnancy, including breastfeeding, as guaranteed by the Directive needs to be strengthened and

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fully implemented at Member State level; points out that service providers must comply with the Directive's guiding principles and national legislation transposing it;

19. Calls on the Commission and the Member States to ensure that public transport vehicles and infrastructure are equally accessible and adapted to women and men, not only as end-users and passengers, but also as professionals working in the sector;

20. Calls on the Commission to assess airlines' rules on allowing pregnant women to board flights, and on assisting them during flights, and to take steps to make airlines ensure a harmonised approach in this regard;

21. Calls on the Council to adopt Parliament's position on the Passengers' Rights Regulation as regards the obligation of airport handlers to return baby carriages to passengers immediately after disembarking, or to provide alternative means of transport to spare passengers from carrying children through the airport until they reach the baggage reclaim area;

22. Takes the view that offering a network of maternity-support services, notably crèches and pre-school and after-school services, is essential to help ensure that the principle of equality between men and women in access to goods and services is actually implemented; takes the view that this network should include a level of public services that meets the population's needs;

23. Notes that discrimination and disparities are still being recorded in access to medical goods and services, which highlights the need to boost access to high-quality free public health services;

The collaborative economy

24. Highlights the new possible areas of application of the Directive, in particular as a result of digitalisation of certain services and sectors as well as the proliferation of collaborative forms of service provision which have changed the access to and supply of goods and services, while noting that the Directive remains applicable to the digital sphere; points out that the recently published Commission communication entitled 'European agenda for the collaborative economy' should serve as a first step for promoting and regulating this sector effectively, and that in further stages the Commission should integrate the principles of gender mainstreaming and reflect the regulations of the Directive to safeguard equal treatment of women and men and effectively prevent harassment in the services offered within the collaborative economy and ensure adequate safety;

25. Notes that harassment poses a particular challenge for gender equality in the area of collaborative economy services; highlights that while the 'zero-tolerance' policy towards harassment adopted by many platforms constitutes a good practice to be further strengthened in the sector, there is a need for the platforms concerned to prioritise prevention of harassment and to consider creating clear procedures for users to report cases of abuse; stresses the need for clarification of the provisions of liability for providers of goods and services, including in instances of third-party harassment, and the connecting online platforms on the basis of the Directive;

26. Considers that those services offered within the collaborative economy which are available to the public and run for profit fall within the remit of the Directive and should, therefore, be consistent with the principle of equal treatment of women and men;

27. Notes in this context that, in the digital sphere, 'profit' does not necessarily mean money and that data is increasingly used as a counter-performance for goods and services;

28. Calls on the Commission to monitor the principle of gender equality in the collaborative economy in its future reports on the application of the Directive and to issue specific guidelines identifying good practices to safeguard equal treatment of women and men in the services offered within the collaborative economy;

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Differential treatment

29. Points out that the application of Article 4(5) has proved to be a major challenge in the implementation of the Directive, constituting the grounds for the largest share of complaints received by the equality bodies in the Member States, mainly pertaining to the leisure and entertainment sector;

30. Emphasises that, despite the ambiguity surrounding the application of Article 4(5) of the Directive, the main purpose of this derogation is to create opportunities for further enhancing equality between women and men in the provision of goods and services;

31. Notes that there are divergent practices, e.g. as regards cases where services are offered to members of one sex only or where differential pricing is applied for the same services; highlights that the application of differential treatment should be assessed on a case-by-case basis with a view to evaluating whether it is justified by a legitimate aim, as specified by the Directive;

32. Encourages equality bodies and consumer protection organisations both to raise awareness about the limits and conditions for differential treatment among service providers and to enhance awareness about the rights for equal treatment among service users, as it is often reported that users are not familiar with applicable provisions in the field of goods and services;

33. Considers that the relative lack of positive action based on Article 4(5) across Member States constitutes a gap in the implementation of the Directive; calls for the promotion of forms of positive action based on a legitimate aim in which there is a direct link between preferential treatment and the disadvantages to be prevented or eliminated, such as the protection of victims of sex-related violence in cases of single-sex shelters;

34. Reiterates its call on the Council to consider all possible avenues to ensure that the proposed Equal Treatment Directive is adopted without further delay, thereby guaranteeing comprehensive protection against discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation on an equal footing;

Recommendations on enhancing the application of the Directive

35. Calls on the Commission to prioritise addressing the transposition issues with the Member States concerned by means of concrete measures, and to support them in implementing the Directive in a more consistent manner;

36. Points out that, while equality bodies play a crucial role in monitoring and ensuring that the rights derived from the Directive are fully exercised at national level, their attributed competences in relation to the supply of and access to goods and effectiveness in fulfilling the designated goals varies; calls on the Member States to guarantee sufficient competence and independence in accordance with the provisions of the Directive and national law as well as sufficient resources for national equality bodies so they can fulfil their principal tasks in an effective way, which include providing independent assistance to victims of discrimination in pursuing their complaints, conducting independent surveys on discrimination, publishing independent reports and recommendations, raising awareness about the Directive and challenging stereotypes about gender roles in the supply of and access to goods and services; notes that national equality bodies should be adequately supported in the performance of their tasks, with regard to the promotion, monitoring and support of equal treatment in an independent and effective manner;

37. Calls on the Commission to enhance its cooperation with equality bodies in monitoring whether the relevant provisions regarding their competences are met in all the Member States and to provide support to systematically identify the main challenges and share best practices; calls on the Commission to gather best practices and make them available to Member States in order to provide the necessary resources for supporting positive action and ensuring better implementation of the respective provisions at national level;

38. Points out that access to justice for victims of discrimination could be improved by giving independent equality bodies the competences to provide assistance, including free legal aid, and the right to represent individuals in cases of alleged discrimination;

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39. Calls on the Commission to closely monitor the effectiveness of national complaint bodies and procedures in the context of the implementation of the Directive and to ensure that transparent and effective complaint mechanisms, including dissuasive sanctions, are in place;

40. Calls on the Commission, the Member States and equality bodies, potentially in cooperation with consumer protection organisations, to raise awareness about the provisions of the Directive among both service providers and users in order to implement the principle of equal treatment in this field and reduce the number of breaches of the Directive left unreported;

41. Calls on the Commission, given the persisting gaps in the practical application of the Directive, to ask the European Network of Legal Experts, in cooperation with equality bodies, to launch a comprehensive study, also taking into account intersectional forms of gender inequalities and multiple grounds of discrimination which include a variety of vulnerable social groups, to continue its monitoring activities and to support and encourage the Member States in collecting and providing data in order to realise the full potential of the Directive; calls on the Member States for improved comprehensive, comparable specific data collection on harassment and sexual harassment in the area of equal access to goods and services in order to differentiate between grounds of discrimination, and in this respect encourages enhanced cooperation with relevant institutions; calls on the Commission to establish a public database of relevant legislation and case law regarding equal treatment between women and men as a means to raise awareness about the application of the legal provisions in this field;

42. Points out that the field of advertising is linked to the area of goods and services, which are predominantly presented to consumers through advertisements; highlights the significance of advertising in the creation, retention and development of gender-based stereotypes and discriminatory portrayals of women; invites the Commission therefore to conduct a study on gender equality in advertising and to explore the need and possibilities to enhance equal treatment of women and men in the field of advertising and to promote best practices in this field; welcomes national regulations and guidelines on equality between women and men in the media, and calls on the Member States to strengthen these provisions where needed in order to ensure equal treatment of women and men;

43. Calls on the Member States to encourage dialogue with relevant stakeholders which have a legitimate interest in contributing to the fight against discrimination on grounds of sex in the area of access to and supply of goods and services;

44. Calls on the Member States and the Commission to integrate a sector-specific gender-mainstreaming approach in enhancing implementation of the Directive;

45. Calls on the Commission in monitoring and supporting the Member States in implementing the Directive to better coordinate the requirements of the Directive with the other equality directives;

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

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P8_TA(2017)0075

EU funds for gender equality

European Parliament resolution of 14 March 2017 on EU funds for gender equality (2016/2144(INI))

(2018/C 263/09)

The European Parliament,

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Article 8 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Article 23 of the Charter of Fundamental Rights of the European Union,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework (MFF) for the years 2014-2020 ⁽¹⁾,
- having regard to the joint declaration of the European Parliament, the Council and the Commission ⁽²⁾ attached to the MFF on gender mainstreaming,
- 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 ⁽³⁾,
- having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽⁴⁾,
- having regard to the Commission communication entitled 'Mid-term review/revision of the multiannual financial framework 2014-2020 — An EU budget focused on results' (COM(2016)0603),
- having regard to the Commission staff working document entitled 'Horizon 2020 Annual Monitoring Report 2014' (SWD(2016)0123),
- having regard to the Commission working document on 'Programme Statements of operational expenditure for the Draft General Budget of the European Union for the financial year 2017' (COM(2016)0300),
- having regard to the Joint Staff Working Document of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy 'Gender Equality and Women's Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020' (SWD(2015)0182),
- having regard to the Commission staff working document entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
- having regard to its resolution of 13 September 2016 on Creating labour market conditions favourable for work-life balance ⁽⁵⁾,

⁽¹⁾ OJ L 347, 20.12.2013, p. 884.

⁽²⁾ OJ C 436, 24.11.2016, p. 51.

⁽³⁾ OJ L 347, 20.12.2013, p. 470.

⁽⁴⁾ OJ C 373, 20.12.2013, p. 1.

⁽⁵⁾ Texts adopted, P8_TA(2016)0338.

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- having regard to the study entitled ‘The EU Budget for Gender Equality’, published in 2015 by Parliament’s Policy Department D and the follow-up study on the use of funds for gender equality in selected Member States, published in 2016 by Policy Department C,
 - having regard to the Commission communication of 21 September 2010 entitled ‘Strategy for equality between women and men 2010-2015’ (COM(2010)0491),
 - having regard to its resolution of 8 March 2016 on Gender Mainstreaming in the work of the European Parliament ⁽¹⁾,
 - having regard to the Council of Europe report on Gender Budgeting: final report of the Group of specialists on gender budgeting — Strasbourg 2005,
 - 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 Budgets and the Committee on Budgetary Control (A8-0033/2017),
- A. whereas equality between women and men is a fundamental value of the European Union enshrined in the Treaties; whereas Article 8 of the TFEU lays down the principle of gender mainstreaming, stating that ‘in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women’;
- B. whereas, among the 17 Sustainable Development Goals of the United Nations, to be achieved by 2030, No 5 is gender equality, which applies to all 17 goals;
- C. whereas the Commission’s Strategic Engagement for Gender Equality 2016-2019, published in December 2015, highlights the key role of EU funding in support for gender equality; whereas no EU institution has consistently implemented gender budgeting;
- D. whereas spending and revenue decisions impact women and men differently;
- E. whereas Parliament, in its resolution of 6 July 2016 on the preparation of the post-electoral revision of the MFF 2014-2020: Parliament’s input ahead of the Commission’s proposal ⁽²⁾, supports the effective integration of gender mainstreaming;
- F. whereas gender issues are usually more often addressed in ‘soft’ policy areas, such as human resources development, rather than in ‘hard’ ones, such as infrastructure and ICT, which receive higher financial support;
- G. whereas a well thought-out system of care-related leave together with high-quality, affordable and accessible care, including public facilities, must be provided in order to balance professional and private life, and whereas expenditures on these facilities are to be considered as part of infrastructure investments; whereas these two factors are a precondition for women’s participation in the labour market, in leading positions, in science and research and thus for gender equality;
- H. whereas the joint declaration of the European Parliament, the Council and the Commission calls for the annual budgetary procedures applied for the MFF 2014-2020 to integrate, as appropriate, gender-responsive elements, taking into account the ways in which the overall financial framework of the Union contributes to increased gender equality and ensures gender mainstreaming; whereas, despite this fact, there is a need to step up the firm commitment to gender mainstreaming, since there has been minimal implementation of existing policies and insufficient budgetary resources have been earmarked for gender issues;

⁽¹⁾ Texts adopted, P8_TA(2016)0072.

⁽²⁾ Texts adopted, P8_TA(2016)0309.

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- I. whereas a downgrading of gender equality in public debate and the policy agenda has become evident at both EU and national level since the 2008 crisis; whereas the fiscal consolidation and budget constraints imposed by the crisis are likely to reduce further the available resources for gender equality strategies and bodies;
- J. whereas, at a juncture at which there is a crisis of confidence in the EU, ensuring that its finances are fully transparent should be a priority for all the European institutions, and is something they must not ignore;
- K. whereas, according to the 2015 Gender Equality Index published by the European Institute for Gender Equality (EIGE), the goal of gender equality in Europe is still far from being achieved;
- L. whereas one of the most telling measures of gender equality is equal pay; whereas, however, EU efforts and their results in increasing female labour-market participation and the equal economic independence of women and men, promoting equality between women and men in decision-making, combating gender-based violence and protecting and supporting victims, and promoting gender equality and women's rights across the world are of equal importance;
- M. whereas in 1995 the United Nations Beijing Platform for Action called for a gender-sensitive approach to budgetary processes;

General observations

- 1. Welcomes the intended mainstreaming of gender equality in line with Article 8 of the TFEU, as a cross-cutting policy objective of the EU budget in EU funds and programmes;
- 2. Regrets, however, the fact that the EU's high-level political commitment to gender equality and gender mainstreaming has not yet been fully reflected in the budget allocations and spending decisions in EU policy areas as part of a gender budgeting methodology;
- 3. Notes that gender budgeting is part of an overall strategy on gender equality and stresses, therefore, that the commitment of EU institutions in that area is fundamental; regrets in this context that no EU gender equality strategy was adopted for the period 2016-2020 and, calls on the Commission to enhance the status of its Strategic Engagement for Gender Equality 2016-2019 by adopting it as a Communication, echoing the Council Conclusions on Gender Equality of 16 June 2016;
- 4. Stresses the importance of the structures and processes involved in budget-making and the need to change those which have been shown to underpin, or unintentionally promote gender inequality;
- 5. Notes that awareness-raising and training on gender mainstreaming and gender budgeting is necessary to develop gender-sensitive structures and procedures;
- 6. Notes that some EU programmes (e.g. the European Social Fund (ESF), the Rights, Equality and Citizenship Programme 2014-2020 (REC), Horizon 2020, the Instrument for Pre-accession Assistance II (IPA II), in the field of humanitarian aid, the Development Cooperation Instrument (DCI) and the European Instrument for Democracy and Human Rights (EIDHR)) include specific actions related to gender equality, while others (such as the EU Programme for Employment and Social Innovation (EaSI), the Fund for European Aid to the Most Deprived (FEAD), the European Maritime and Fisheries Fund (EMFF), and the European Globalisation Adjustment Fund (EGF)) contain references to the general principles of gender equality, but very few programmes actually lay down clear targets and dedicated resources or provide for systematic implementation and monitoring;

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7. Deplores that several programmes include gender equality only as a transversal objective, which not only leads to lower support for gender-specific actions, but also makes it almost impossible to estimate the amounts that are allocated to gender issues ⁽¹⁾;

8. Deplores that most of the EU-funded programmes do not have specific targeted actions with specific budget allocations on gender equality; notes that gender equality should be recognised as a policy objective in the EU budget titles and in doing so the amount allocated to individual policy objectives and actions should be specified, in order for them to be more transparent and not overshadow gender objectives; considers, likewise, that budgetary control tasks should indicate the extent to which the EU budget and its implementation favour or hinder equality policies;

9. Regrets that tools for gender mainstreaming, such as gender indicators, gender impact assessment (GIA) and gender budgeting (GB), are very rarely used in policy design and implementation, whether at EU level or by national institutions; regrets the current lack of comprehensive gender indicators and gender-disaggregated data and highlights the fact that EIGE should gather gender indicators and collect gender-disaggregated data in order to make a consistent picture of the gender equality impact of EU policies possible as well as correct financial and budgetary accountability in relation to it; stresses the fundamental role of EIGE in closing the gap in collaboration between statisticians and policy makers in order to raise awareness of the challenges involved in collecting sensitive data; repeats, therefore, its call for indicators and statistics on gender issues to be further developed in order to permit the assessment of the EU budget from a gender perspective as well as the monitoring of gender budgeting;

10. Regrets that, in spite of the joint declaration on gender mainstreaming having been attached to the MFF, there has been little progress in this field;

11. Regrets deeply the fact that no clear gender equality strategy with specific objectives, concrete targets and allocations, has emerged from the MFF 2014-2020;

12. Regrets that the Commission's communication on the MFF midterm review published in September 2016 makes no reference to the implementation of gender mainstreaming;

13. Calls for gender equality strategy and its mainstreaming to become part of the European Semester;

14. Underlines that transparency and access to information on real achievements in gender equality rather than just on implementation should be a real priority for the European Union;

15. Calls for gender mainstreaming provisions also to be adopted in policy fields that are not considered to be immediately related to gender equality, such as ICT, transport, business and investment support or climate change;

16. Considers that a network of external experts and organisations should be involved in all stages of the budgetary process to increase transparency and its democratic quality, in particular when it pertains to applying a gender budgeting approach;

EU funding for gender equality in employment, social affairs and inclusion through the European Structural and Investment Funds (ESI Funds)

17. Points out that the ESI Funds constitutes the most important financial support for the implementation of gender equality policy in the EU, especially in the case of the ESF, which aims to foster the full integration of women in the labour market; underlines that Regulation (EU) No 1304/2013 makes gender mainstreaming a compulsory part of all phases of programmes and projects financed by the ESF, including preparation, implementation, monitoring and evaluation;

⁽¹⁾ Commission working document Part I on 'Programme Statements of operational expenditure' accompanying the Draft General Budget of the European Union for the financial year 2017 (COM(2016)0300), p. 15.

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18. Stresses the important role of public services in promoting gender equality; calls on the Commission and the Member States to work towards the achievement of the Barcelona targets in order to make work-life balance a reality for all, as well as using the appropriate tools and incentives, including the European Funds such as ESF, the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD), ensuring the necessary social infrastructure funding for the provision of quality, affordable and accessible care services for children and other dependent persons, including elderly dependents and family members with disabilities; notes that this will result in enhancing female participation in the labour market and women's economic independence;

19. Deplores that women still suffer from inequalities at work, such as lower participation rates in employment, the pay gap, the greater incidence of atypical or part-time employment, poorer pension entitlements, career segregation and poorer levels of progression; stresses the importance of ESF in providing funding opportunities to combat discrimination and promoting gender equality at work;

20. Notes that the traditional approach fails to take into account unpaid work, such as childcare and caring for the elderly in the payment of social benefits;

21. Notes that according to the Commission Staff Working Document on the Strategic engagement for gender equality 2016-2019, EUR 5,85 billion will be spent in the period from 2014-2020 on measures promoting gender equality, of which 1,6 % come under the ESF for the specific investment priority 'Equality between men and women in all areas, including in access to employment, career progression, reconciliation of work and private life and promotion of equal pay for equal work';

22. Notes that ERDF funding should continue supporting investment in childcare, caring for the elderly and other public and private social infrastructure to promote, among other outcomes, a better work-life balance;

23. Stresses the important role of the EAFRD in ensuring the necessary funding to support public services and social infrastructure in rural areas and promoting access to land and investment for women;

24. Calls on the Commission to propose new targeted actions aimed at encouraging women's participation in the labour market, such as a specific programme financed by the EAFRD to support female entrepreneurship;

25. Calls on the Commission, the Member States, and regional and local governments to make use of the potential of cross-cutting financing opportunities under ESI funds to support projects aimed at promoting gender equality; highlights the importance of the partnership principle applied within the ESI funds, which contributes positively to gender mainstreaming at local level;

26. Recalls the importance of the requirement to include gender-disaggregated indicators in the monitoring and evaluation of the Operational Programmes as provided for in Regulation (EU) No 1303/2013 laying down common provisions on the ESI Funds, in order to comply with the gender equality objective in the implementation phase;

27. Deplores that, despite efforts to create a 'standard' in this field, a systematic method for the implementation of gender mainstreaming within the ESI Funds has not yet been established nor have targeted actions linked to an overall gender mainstreaming strategy; calls on the Commission and the Member States to increase resources for gender equality assessment where needed and to follow consistently the implementation of gender mainstreaming;

28. Recalls that ESI Funds are subject to an ex-ante conditionality on gender, which requires arrangements for the training of relevant staff and for the involvement of bodies responsible for gender equality throughout the preparation and implementation of the programmes; calls on the Commission to ensure that this requirement is fulfilled; calls for the effective use of the existing permanent gender equality bodies at Member State level; welcomes greatly, in this context, national best practices, such as the European Community of Practice on Gender Mainstreaming (Gender CoP) network in

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Sweden; urges Member States to guarantee the independence, effectiveness, as well as sufficient powers and resources for equality bodies to enable them to fulfil their principal tasks;

29. Highlights the importance of giving special attention and priority to ESI Funds measures supporting investments in educational, social and healthcare services in addition to childcare facilities, given that these services are facing cuts in public funding at national, regional and local level and that it would increase the number of jobs;

30. Recommends increased financial allocations in the MFF for social infrastructure and services for the care of children and the elderly;

EU funding for gender equality in the area of fundamental rights, equality and citizenship via the Rights, Equality and Citizenship 2014-2020 Programme (REC)

31. Regrets that the budget lines under the Rights, Equality and Citizenship 2014-2020 Programme (REC) do not specify the resources allocated to each of the objectives of the programme, making it very difficult to analyse the spending dedicated to gender equality and combating violence against women;

32. Notes that, according to the Commission Staff Working Document for the Strategic Engagement for Gender Equality 2016-2019, the two objectives related to gender equality and to the Daphne programme for combating violence against women account for around 35 % of the REC funds, while the overall budget for gender equality in the area of fundamental rights, equality and citizenship via the REC 2014-2020 programme is EUR 439,5 million; points out that the majority of funds will be allocated under the Daphne objective compared with the gender equality objective; finds it regrettable nonetheless that Daphne has no separate budget line, given that it is currently one of the specific objectives of the REC Programme; emphasises the need for Daphne to be provided with sufficient financial support and for its visibility and highly successful profile to be maintained;

33. Underlines that for the 2014-2020 period, the calls issued under the Daphne objective address all forms of violence against women and/or children; notes that the majority of resources have been earmarked for fighting and preventing violence linked to harmful practices (39 %) and for support for victims of gender-based violence, domestic violence or violence in an intimate relationship provided by specialised support services aimed at women (24 %);

34. Notes that under the gender equality objective, the following priorities were addressed: equal economic independence of women and men and work-life balance (44 % of resources earmarked); promoting good practices regarding gender roles and overcoming gender stereotypes in education and training and in the workplace (44 %) and support for EU-level networks on gender equality themes (12 %);

35. Stresses that citizenship-building should be associated not only with the defence and extension of rights, but also with welfare and well-being, education and training free from gender stereotypes and access to social and health services, including sexual and reproductive health;

36. Deplores, however, the decrease in the funds available for the Daphne specific objective; points out that Daphne budget appropriations stood at EUR 18 million in commitments in 2013 compared with EUR 19,5 million in 2012 and more than EUR 20 million in 2011; notes further that in 2016, the REC work programme had foreseen just over than EUR 14 million for the objective;

37. Calls on the Commission, when drawing up the annual work programme, to respect the appropriate and fair distribution of financial support between different areas covered by the specific REC objectives, while taking into account the level of funding already allocated under the previous programming period (2007-2013);

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38. Calls on the Commission to increase support for European networks on gender equality themes, thereby reinforcing opportunities for more peer-to-peer learning, notably amongst subnational authorities; notes in particular that specific support is needed to increase women's participation in decision-making;

39. Calls for greater clarity on how the objective on combating violence is pursued within the REC programme; highlights the importance of funds reaching grassroots organisations and local and regional governments in order to ensure effective implementation; calls for priority to be given to organisations dealing with the prevention of violence and supporting victims of all forms of violence;

40. Recognises the need to ensure support for the implementation of existing local and regional gender equality initiatives such as the European Charter for Equality of Women and Men in Local Life;

41. Calls on the Commission to bolster the requirement for the collection of gender-disaggregated data in the implementation of this programme, as an essential tool for effective gender budgeting analysis;

EU funding for gender equality in the area of research and innovation via Horizon 2020

42. Highlights the fact that the Horizon 2020 programme (hereinafter 'this programme'), in line with the requirements of Article 16 of Regulation (EU) No 1291/2013, mainstreams gender equality and the gender dimension in research as a cross-cutting issue in each of the different parts of the work programme;

43. Draws attention to the three mainstreaming objectives under this programme, namely: to foster equal opportunities and gender balance in project teams; to ensure gender balance in decision-making; and to integrate a gender dimension into research content;

44. Welcomes the fact that this programme provides support for research bodies in implementing gender equality plans; welcomes also the joint project of the Commission and EIGE for creating an on-line tool for gender equality plans, as a means of identifying and sharing best practices with relevant stakeholders;

45. Welcomes the fact that applicants have the opportunity to include training and specific studies on gender as eligible costs in their proposals;

46. Welcomes the fact that gender balance in staffing is one of the ranking factors in the evaluation criteria in this programme and that the way in which sex and/or gender analysis is taken into account in a proposal is assessed by the evaluators alongside the other relevant aspects of the proposal;

47. Welcomes the specific indicators used to monitor the implementation of a gender equality perspective in this programme, as well as the fact that, on the issue of gender balance in Horizon 2020 advisory groups in 2014, women's participation was 52 % ⁽¹⁾;

48. Considers that a further review is needed in order to assess the results, also based on specific indicators, such as the percentage of women participants and women project coordinators in this programme, and to propose adjustments to the specific actions if required;

49. Calls for gender mainstreaming to be further strengthened within this programme, and for the development of gender equality targets in strategies, programmes and projects at all stages of the research cycle;

⁽¹⁾ European Commission, Directorate-General for Research and Innovation, 'Horizon 2020 Annual Monitoring Report 2014', ISBN 978-92-79-57749-9, p. 44.

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50. Calls for the maintenance of an independent line of funding for gender-specific structural change projects (such as Gender Equality in Research and Innovation (GERI) for 2014-2016), as well as of other gender equality topics in research and innovation;

51. Welcomes the fact that one of the objectives in 'Science with and for Society' is to ensure gender equality, in both the research process and research content; welcomes, furthermore, the grants 'Support to research organisations to implement gender equality plans' and 'Promoting Gender equality in H2020 and the European Research Area'; deplores, however, that there are no specific lines in the budget for the objectives outlined in this programme;

Other programmes and funds including specific objectives on gender equality

52. Stresses that natural disasters have a major impact on infrastructure linked to public services and, therefore, that women are particularly affected; calls on the Commission to introduce a requirement for a gender-sensitive analysis into the EU Solidarity Fund when evaluating the impact on populations;

53. Notes that in the field of external actions and development cooperation, the Gender Action Plan (GAP) established for the period 2016-2020 covers the EU's activities in third countries, and that there are several external assistance instruments that support gender equality objectives;

54. Stresses that women and girl victims of armed conflicts have the right to receive the necessary medical care, including access to contraception, emergency contraception and abortion services; recalls that EU humanitarian aid must uphold the rights of girls and women under international humanitarian law and should not be subject to restrictions imposed by other partner donors, as noted in the EU's 2016 budget; welcomes the EU's approach in this respect; encourages the Commission to maintain its position;

55. Calls on the Commission to earmark EU development funds for voluntary, modern family planning and reproductive health services in order to counter the financial shortfalls caused by the 'global gag' rule established by the new US Government and thus to save women's lives, protect their health and prevent the spread of sexually transmitted infections;

56. Highlights that gender mainstreaming is also included among the founding principles of the recent Asylum, Migration and Integration Fund (AMIF); reiterates its call to take into account the gender dimension within migration and asylum policies by ensuring that women have access to safe space, specific healthcare linked to sexual and reproductive health and rights and that special attention be paid to the specific needs of vulnerable persons, such as women, who have suffered violence, including sexual violence, unaccompanied minors and other groups at risk, including LGBTI;

57. Calls for a comprehensive set of EU-wide gender guidelines to be adopted on migration and asylum policy with adequate funding for comprehensive training programmes for professionals who may come into contact with refugees and asylum seekers; emphasises that these should be sensitive to the gender-specific needs of refugee women and concomitant gendered harms, such as the trafficking of women and girls;

58. Highlights the ongoing issues of overcrowding in refugee reception centres and the impact this has on women's safety; calls for greater use of AMIF to improve reception centres with separate sleeping and sanitation facilities for women and men, and access to gender-sensitive health services, including prenatal and postnatal care;

59. Considers that Member States should be encouraged to make greater use of cohesion funds and ESI Funds alongside AMIF to promote the integration of refugees in the labour market, with a specific focus on how accessible childcare enables women refugees to access employment;

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60. Calls for a review of the increased funding for and wider scope of the Daphne and Odysseus programmes, with an assessment on expanding them to address the severe vulnerabilities experienced by women refugees and provide greater support in addressing these gendered harms;

61. Emphasises that other funds, such as the Internal Security Fund (ISF), special financial instruments like the Emergency Support Instrument and other ad hoc instruments and grants, have been mobilised to address needs in the context of the present refugee crisis; points out the difficulty in monitoring the use of these funds, in particular from a gender perspective, and calls for the use of EU funding in this area to be coordinated, effective, transparent and gender-sensitive;

62. Calls for specific funding to support targeted measures involving grassroots organisations, local and regional governments to ensure that the basic needs, human rights, safety and security of asylum-seeking, refugee and migrant women and girls, including the pregnant and elderly, as well as LGBTI are protected;

Policy recommendations

63. Reiterates its request for gender budgeting to be used at all levels of the EU budgetary procedure; calls for the consistent use of gender budgeting throughout the budgetary process, so that budgetary expenditure can be used as a means of promoting gender equality;

64. Calls for strong and effective gender budgeting and gender mainstreaming to be incorporated and implemented in the post-2020 generation of EU funding programmes, with a view to increasing EU funding for measures to combat gender discrimination, while taking into account the following aspects:

(i) identifying the implicit and explicit gender issues;

(ii) identifying — where possible — the allied resource allocations; and

(iii) assessing whether the EU funding programmes will allow existing inequalities between women and men (and groups of women and men), girls and boys and patterns of gender relations to continue or whether they will lead to change;

65. Calls for all EU budget titles to pursue equally strong gender targets and gender mainstreaming standards;

66. Calls for the amount to be allocated to individual policy objectives and actions dedicated to gender equality to be clearly specified in order to increase transparency and accountability;

67. Notes that gender mainstreaming is not a one-off exercise and that gender budgeting requires an ongoing commitment to understanding gender, which includes analysis and consultation and ongoing budget readjustments to take account of the changing needs of women and men, boys and girls;

68. Considers the EU-level funding of EUR 6,17 billion allocated in the current MFF for achieving the objectives of gender-strategic engagement as a first step;

69. Believes that the mid-term review of the MFF could have represented an opportunity to improve the results achieved by the EU budget in the pursuit of gender equality, and to demonstrate those achievements to the public;

70. Regrets, therefore, the Commission's decision not to address the issue of implementing gender mainstreaming in its mid-term review of the MFF, and calls for more specific action to address this;

71. Calls for gender-specific indicators to be applied in the project selection, monitoring and evaluation phases of all actions that receive funding from the EU budget; calls, in addition, for mandatory gender impact assessment as part of general ex-ante conditionality, and for the collection of gender-disaggregated data on beneficiaries and participants;

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72. Recommends strongly that gender-disaggregated data should be made available to the public in order to ensure financial accountability and transparency;
73. Calls for the methodology of the report 'Gender Equality Index 2015 — Measuring gender equality in the European Union 2005-2012', published by EIGE in 2015, to be adopted for measuring gender inequality as a basis for planning and implementing EU funding programmes;
74. Calls for the EU institutions and Member States to organise regular training and technical support programmes on gender mainstreaming tools for all staff involved in policymaking and budgetary procedures; calls for the use of gender budgeting in both EU and national strategies to be encouraged, in order to promote gender equality more effectively;
75. Calls on the Commission to monitor closely the effectiveness of national complaints bodies and procedures in the implementation of gender equality directives;
76. Requests that the Court of Auditors also incorporate the gender perspective when assessing the execution of the Union's budget, in relation to both the specific objectives of the EU's equality policies and the horizontal aspects of those policies, in both its recommendations and its special reports; requests similarly that Member States introduce the gender dimension into their budgets in order to analyse government programmes and policies, their impact on the allocation of resources and their contribution to equality between men and women;
77. Reiterates its concern at the conspicuous lack of gender balance — involving the widest gap in all the EU institutions — among Members of the European Court of Auditors, which currently comprises 28 men and only three women (two fewer than at the beginning of 2016); calls on the Council, from now on and until an acceptable balance has been reached, to propose two candidates to Parliament, a woman and a man, for each future appointment;
78. Praises the work of the office of the Commissioner for Human Rights in Poland, which according to the Law on Equal Treatment, is the equality body responsible for the implementation of equal treatment legislation; expresses its deep concern about the recent budget cuts affecting those parts of the office of the Commissioner for Human Rights dealing with gender equality; recalls that the national equality body should be adequately staffed, funded, and its independence respected and maintained;

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79. Instructs its President to forward this resolution to the Council and the Commission.
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P8_TA(2017)0076

Fundamental rights implications of big data

European Parliament resolution of 14 March 2017 on fundamental rights implications of big data: privacy, data protection, non-discrimination, security and law-enforcement (2016/2225(INI))

(2018/C 263/10)

The European Parliament,

- having regard to Article 16 of the Treaty on the Functioning of the European Union,
- having regard to Articles 1, 7, 8, 11, 14, 21, 47 and 52 of the Charter of Fundamental Rights of the European Union,
- having regard to the guidelines for the regulation of computerised personal data files of the United Nations General Assembly in its Resolution 45/95 of 14 December 1990,
- 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) ⁽¹⁾ (GDPR), 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 ⁽²⁾,
- having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'A Digital Single Market Strategy for Europe' of 6 May 2015 (COM(2015)0192),
- having regard to the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data of 28 January 1981 (ETS No 108) and its Additional Protocol of 8 November 2001 (ETS No 181) ⁽³⁾,
- having regard to Recommendation CM/Rec(2010)13 of the Committee of Ministers of the Council of Europe to Member States on the protection of individuals with regard to automatic processing of personal data in the context of profiling of 23 November 2010 ⁽⁴⁾,
- having regard to Opinion 7/2015 of the European Data Protection Supervisor of 19 November 2015 entitled 'Meeting the challenges of big data — A call for transparency, user control, data protection by design and accountability' ⁽⁵⁾,
- having regard to Opinion 8/2016 of the European Data Protection Supervisor of 23 September 2016 entitled 'EDPS Opinion on coherent enforcement of fundamental rights in the age of big data' ⁽⁶⁾,

⁽¹⁾ OJ L 119, 4.5.2016, p. 1.

⁽²⁾ OJ L 119, 4.5.2016, p. 89.

⁽³⁾ <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/108>

⁽⁴⁾ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cdd00

⁽⁵⁾ https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2015/15-11-19_Big_Data_EN.pdf

⁽⁶⁾ https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Consultation/Opinions/2016/16-09-23_BigData_opinion_EN.pdf

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- having regard to the statement of the Article 29 Data Protection Working Party on the impact of the development of big data on the protection of individuals with regard to the processing of their personal data in the EU of 16 September 2014 ⁽¹⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0044/2017),
- A. whereas big data refers to the collection, analysis and the recurring accumulation of large amounts of data, including personal data, from a variety of sources, which are subject to automatic processing by computer algorithms and advanced data-processing techniques using both stored and streamed data in order to generate certain correlations, trends and patterns (big data analytics);
- B. whereas certain big data use cases involve the training of artificial intelligence appliances, such as neuronal networks, and statistical models in order to predict certain events and behaviours; whereas the training data are often of questionable quality and not neutral;
- C. whereas the progress of communication technologies and the ubiquitous use of electronic devices, monitoring gadgets, social media, web interactions and networks, including devices which communicate information without human interference, have led to the development of massive, ever-growing data sets which, through advanced processing techniques and analytics, provide unprecedented insight into human behaviour, private life and our societies;
- D. whereas the intelligence services of third countries and Member States have increasingly been relying on the processing and analytics of such datasets, which are either not covered by any legal framework or, most recently, have been the subject of legislation the compatibility of which with Union primary and secondary law raises concerns and is yet to be ascertained;
- E. whereas the increase in bullying, violence against women and the vulnerability of children is also taking place on the internet; whereas the Commission and the Member States should adopt all the requisite legal measures to combat these phenomena;
- F. whereas an increasing number of corporations, businesses, bodies and agencies, governmental and non-governmental organisations (as well as the public and private sectors in general), political leaders, civil society, academia, the scientific community and citizens as a whole have taken advantage of such data sets and big data analytics to bolster competitiveness, innovation, market predictions, political campaigns, targeted advertising, scientific research and policymaking in the field of transport, taxation, financial services, smart cities, law enforcement, transparency, public health and disaster response, and to influence elections and political outcomes through, for instance, targeted communications;
- G. whereas the big data market is growing as a result of the technology and the process of data-driven decision-making being increasingly accepted as providing solutions; whereas there is not yet the methodology to make an evidence-based assessment of the total impact of big data, but there is evidence to suggest that big data analytics can have a significant horizontal impact across both the public and private sectors; whereas the Commission's Digital Single Market Strategy for Europe recognises the potential of data-driven technologies, services and big data to act as a catalyst for economic growth, innovation and digitalisation in the EU;
- H. whereas big data analytics generates added value in a variety of ways, with numerous positive examples, entailing significant opportunities for citizens, e.g. in the areas of healthcare, the fight against climate change, the reduction of energy consumption, improvements to transport safety and the enablement of smart cities, thereby improving business optimisation and efficiency and contributing to improved working conditions and detecting and combating fraud;

⁽¹⁾ http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2014/wp221_en.pdf

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whereas big data can provide a competitive advantage to the decision-making processes of European companies, while the public sector can benefit from greater efficiency thanks to greater insights into the different levels of socio-economic developments;

- I. whereas big data has the aforementioned potential for citizens, academia, the scientific community and the public and private sectors, but also entails significant risks, namely with regard to the protection of fundamental rights, such as the right to privacy, data protection and data security, but also freedom of expression and non-discrimination, as guaranteed by the EU Charter of Fundamental Rights and Union law; whereas pseudonymisation and encryption techniques can mitigate risks related to big data analytics and therefore play an important role in safeguarding the privacy of the data subject, while also fostering innovation and economic growth; whereas these elements are to be considered as part of the current revision of the e-privacy Directive;
- J. whereas the pervasiveness of sensors, extensive routine data production and contemporary data-processing activities are not always sufficiently transparent, posing challenges to the capacity of individuals and authorities to assess the processes and purpose of the collection, compilation, analysis and use of personal data; whereas a blurring between personal and non-personal data can be seen to emerge from the use of big data analytics, which may lead to new personal data being created;
- K. whereas the big data sector is growing by 40 % per year, seven times faster than the IT market; whereas the concentration of large datasets produced by new technologies offers crucial information for large corporations, triggering unprecedented shifts in the balance of power between citizens, governments and private actors; whereas such concentration of power in the hands of corporations might consolidate monopolies and abusive practices and have a detrimental effect on consumers' rights and fair market competition; whereas the interests of the individual and the protection of fundamental rights should be further scrutinized in the context of big data mergers;
- L. whereas big data has huge untapped potential as a driver of productivity and a means of offering better products and services to citizens; underlines, however, that the generalised use of smart devices, networks and web applications by citizens, businesses and organisations does not necessarily indicate satisfaction with the products offered, but rather a broader understanding that these services have become indispensable to live, communicate and work, despite a lack of understanding about the risks that they might pose to our well-being, security and rights;
- M. whereas a distinction should be made between data quantity and data quality in order to facilitate the effective use of big data (algorithms and other analytical tools); whereas low-quality data and/or low-quality procedures behind decision-making processes and analytical tools could result in biased algorithms, spurious correlations, errors, an underestimation of the legal, social and ethical implications, the risk of data being used for discriminatory or fraudulent purposes and the marginalisation of the role of humans in these processes, leading to flawed decision-making procedures that have a detrimental impact on the lives and opportunities of citizens, in particular marginalised groups, as well as bringing about a negative impact on societies and businesses;
- N. whereas algorithmic accountability and transparency should mean implementing technical and operational measures that ensure transparency, the non-discrimination of automated decision-making and the calculating of probabilities of individual behaviour; whereas transparency should give individuals meaningful information about the logic involved, the significance and the envisaged consequences; whereas this should include information about the data used for training big data analytics and allow individuals to understand and monitor the decisions affecting them;

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- O. whereas data analysis and algorithms increasingly impact on the information made accessible to citizens; whereas such techniques, if misused, may endanger fundamental rights to information as well as media freedom and pluralism; whereas the system of public broadcasting in Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve the plurality of the media, as stated in the Protocol on the system of public broadcasting in the Member States to the Amsterdam Treaty (11997D/PRO/09);
- P. whereas the proliferation of data processing and analytics, the sheer number of actors involved in collecting, retaining, processing, storing and sharing data and the combination of large data sets containing personal and non-personal data from a variety of sources, while entailing significant opportunities, have all created great uncertainty for citizens and the public and private sectors alike over the specific requirements for compliance with current EU data-protection law;
- Q. whereas there is a plethora of unstructured legacy systems containing vast volumes of data collected by companies over many years, with unclear data governance systems that should be systematically brought into compliance;
- R. whereas closer cooperation and coherence between different regulators and supervisory competition, consumer protection and data protection authorities at national and EU level should be encouraged, in order to ensure a consistent approach to and understanding of the implications of big data for fundamental rights; whereas the establishment and further development of the Digital Clearing House ⁽¹⁾ as a voluntary network of enforcement bodies can contribute to enhancing their work and their respective enforcement activities and can help deepen the synergies and the safeguarding of the rights and interests of individuals;

General considerations

1. Stresses that the prospects and opportunities of big data can only be fully tapped into by citizens, the public and private sectors, academia and the scientific community when public trust in these technologies is ensured by a strong enforcement of fundamental rights and compliance with current EU data protection law and legal certainty for all actors involved; stresses that the processing of personal data can only be done pursuant to any of the legal bases laid down in Article 6 of Regulation (EU) 2016/679; considers that it is crucial that transparency and the proper provision of information to the audiences concerned are key to building public trust and to the protection of individual rights;
2. Underlines that compliance with the existing data protection legislation, together with strong scientific and ethical standards, are key to establishing trust in and the reliability of big data solutions; further emphasises that information revealed by big data analysis does not offer an impartial overview of any subject matter and is only as reliable as the underlying data permits; highlights that predictive analysis based on big data can only offer a statistical probability and therefore cannot always accurately predict individual behaviour; stresses, therefore, that strong scientific and ethical standards are vital for managing data collection and judging the results of such analysis;
3. Points out that sensitive information about persons can be inferred from non-sensitive data, which blurs the line between sensitive and non-sensitive data;
4. Stresses that individuals' poor knowledge and understanding about the nature of big data allows personal information to be used in unintended ways; notes that education and awareness about fundamental rights is of primary importance in the EU; urges the EU institutions and Member States to invest in digital literacy and awareness-raising about digital rights, privacy and data protection among citizens, including children; underlines that such education should address the understanding of the principles/logic of how algorithms and automated decision-making processes work and how to

⁽¹⁾ Opinion 8/2016 of the European Data Protection Supervisor of 23 September 2016, p. 15.

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meaningfully interpret them; stresses, moreover, the need to educate with a view to fostering understanding on where and how data streams are collected (i.e. web scraping, combining streaming data with data from social networks and connected devices and aggregating that information into a new data stream);

Big data for commercial purposes and in the public sector

Privacy and data protection

5. Points out that Union law on the protection of privacy and personal data, the right to equality and non-discrimination, as well as the right of individuals to receive information about the logic involved in automated decision-making and profiling and the right to seek judicial redress are applicable to data processing when processing is preceded by pseudonymisation techniques or, in any case, when the use of non-personal data might impact on individuals' private lives or other rights and freedoms, leading to the stigmatisation of whole groups of the population;

6. Underlines that the Digital Single Market must be built on reliable, trustworthy and high-speed networks and services that safeguard the fundamental rights of the data subject to data protection and privacy, while also encouraging innovation and big data analytics in order to create the right conditions and a level playing field to boost the European digital economy;

7. Further highlights the possibility of re-identifying individuals by correlating different types of anonymised data; underlines that Union law for the protection of privacy and personal data applies to the processing of such correlated data only when an individual is indeed re-identifiable;

8. Stresses that the aforementioned principles should serve as a framework for the decision-making procedures of the public and private sectors and other actors that use data; emphasises the need for much greater algorithmic accountability and transparency with regard to data processing and analytics by the private and public sectors and any other actors using data analytics, as an essential tool to guarantee that the individual is appropriately informed about the processing of their personal data;

9. Highlights the fundamental role that the Commission, the European Data Protection Board, national data protection authorities and other independent supervisory authorities should play in the future to promote transparency and due process, legal certainty in general and, more specifically, concrete standards that protect fundamental rights and guarantees associated with the use of data processing and analytics by the private and public sector; calls for closer collaboration among regulators of conduct in the digital environment, so as to strengthen the synergies between regulatory frameworks for consumers and competition and data protection authorities; calls for adequate funding and staffing of such authorities; acknowledges, moreover, the need for the establishment of a Digital Clearing House;

10. Underlines that the intrinsic purpose of big data should be to achieve comparable correlations with as few personal data as possible; stresses, in this regard, that science, business and public communities should focus on research and innovation in the area of anonymisation;

11. Recognises that the application of pseudonymisation, anonymisation or encryption to personal data can reduce the risks to the data subjects concerned when personal data are used in big data applications; further highlights the advantages of pseudonymisation provided for by the GDPR as an appropriate safeguard; recalls that anonymisation is an irreversible process by which personal data can no longer be used alone to identify or single out a natural person; takes the view that contractual obligations should ensure that anonymised data will not be re-identified using additional correlations by combining different data sources; calls on the private and the public sector and other actors involved in the analysis of big data to regularly review such risks in the light of new technologies and to document the appropriateness of the measures adopted; calls on the Commission, the European Data Protection Board and other independent supervisory authorities to

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prepare guidelines on how to properly anonymise data in order to avoid future abuses of these measures and to monitor practices;

12. Urges the private and public sectors and other data controllers to make use of instruments provided for by the GDPR, such as codes of conduct and certification schemes, in order to seek greater certainty over their specific obligations under Union law and to bring their practices and activities into compliance with the appropriate EU legal standards and safeguards;

13. Calls on the Commission and Member States to ensure that data-driven technologies do not limit or discriminate access to a pluralistic media environment, but rather foster media freedom and pluralism; emphasises that cooperation between governments, educational institutions and media organisations will play a pivotal role in ensuring that digital media literacy is supported in order to empower citizens and protect their rights to information and freedom of expression;

14. Takes the view that the publication of personal data by public authorities for reasons of public interest, such as the prevention of corruption, conflicts of interest, tax fraud and money laundering, may be admissible in a democratic society, provided that the data is disclosed pursuant to conditions laid down by the law, that the appropriate safeguards are in place and that such publication is necessary for and proportionate to the desired aimed;

Security

15. Recognises the added value of the technological development that will contribute to improving security; acknowledges that some of the most pressing risks associated with data processing activities, such as big data techniques (especially in the context of the Internet of things), which are a matter of concern for individuals, include security breaches, unauthorised access to data and unlawful surveillance; believes that tackling such threats without abusing fundamental rights requires genuine and concerted cooperation between the private and public sectors, law enforcement authorities and independent supervisory authorities; stresses, in this regard, that specific attention should be paid to the security of e-government systems, as well as to additional legal measures such as software liability;

16. Takes the view that the use of end-to-end encryption should also be encouraged and, where necessary, mandated in accordance with the principle of data protection by design; recommends that any future legislative framework to this end specifically prohibits encryption providers, communications service providers and all other organisations (at all levels of the supply chain) from allowing or facilitating 'backdoors';

17. Highlights that heightened data generation and data flows entail further vulnerabilities and new information security challenges; calls, in this context, for the use of privacy by design and default, anonymisation techniques where appropriate, encryption techniques, and mandatory privacy impact assessments; stresses that such measures should be applied by all actors involved in big data analytics in the private and public sectors and other actors dealing with sensitive data, such as lawyers, journalists and people working in the health sector so as to ensure that big data does not increase exposure to information security risks;

18. Recalls that in accordance with Article 15 of Directive 2000/31/EC, Member States shall neither impose a general obligation on the providers of transmission, storage and hosting services to monitor the information which they transmit or store, nor a general obligation to actively seek facts or circumstances suggesting illegal activity; reiterates in particular that the Court of Justice of the European Union, in the cases C-360/10 and C-70/10, rejected measures for the 'active monitoring' of almost all users of the services concerned (internet access providers in one case, a social network in the other) and specified that any injunction requiring a hosting services provider to undertake general monitoring shall be precluded;

Non- discrimination

19. Stresses that, because of the data sets and algorithmic systems used when making assessments and predictions at the different stages of data processing, big data may result not only in infringements of the fundamental rights of individuals, but also in differential treatment of and indirect discrimination against groups of people with similar characteristics,

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particularly with regard to fairness and equality of opportunities for access to education and employment, when recruiting or assessing individuals or when determining the new consumer habits of social media users;

20. Calls on the Commission, the Member States and the data protection authorities to identify and take any possible measures to minimise algorithmic discrimination and bias and to develop a strong and common ethical framework for the transparent processing of personal data and automated decision-making that may guide data usage and the ongoing enforcement of Union law;

21. Calls on the Commission, the Member States and the data protection authorities to specifically evaluate the need not only for algorithmic transparency, but also for transparency about possible biases in the training data used to make inferences based on big data;

22. Recommends that businesses conduct regular assessments into the representativeness of data sets, consider whether data sets are affected by biased elements, and develop strategies to overcome those biases; highlights the need to review the accuracy and meaningfulness of data analytics predictions on the basis of fairness and ethical concerns;

Big Data for scientific purposes

23. Stresses that big data analytics can be beneficial for scientific development and research; believes that the development and use of big data analytics for scientific purposes should be conducted with due regard for the fundamental values enshrined in the Charter of Fundamental Rights and in compliance with current EU data protection legislation;

24. Recalls that under the GDPR, the further processing of personal data for statistical purposes may only result in aggregate data which cannot be re-applied to individuals;

Big data for law enforcement purposes

Privacy and data protection

25. Reminds all law enforcement actors that use data processing and analytics that Directive (EU) 2016/680: governs the processing of personal data by Member States for law enforcement purposes; requires that the collection and processing of personal data for law enforcement purposes must always be adequate, relevant and not excessive in relation to the specified, explicit and legitimate purposes for which they are processed; states that the purpose of and need for the collection of these data must be clearly proven; states that any decision based solely on automated processing, including profiling, which produces an adverse legal effect on the data subject or significantly affects him or her, is prohibited, unless authorised by Union or Member State law to which the controller is subject and which provides appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controllers; calls on the Commission, the European Data Protection Board and other independent supervisory authorities to issue guidelines, recommendations and best practices in order to further specify the criteria and conditions for decisions based on profiling and the use of big data for law enforcement purposes;

26. Stresses the importance of compliance with Directive (EU) 2016/680 as regards the carrying out of prior impact assessments and audits that take account of ethical concerns in order to assess the inclusiveness, accuracy and quality of data, and to ensure that individuals targeted by the decisions and/or actors involved in the decision-making processes are able to understand and challenge the collection or analysis, patterns and correlations and to prevent any harmful effects on certain groups of individuals;

27. Points out that the trust of citizens in digital services can be seriously undermined by government mass surveillance activities and the unwarranted accessing of commercial and other personal data by law enforcement authorities;

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28. Recalls that legislation permitting public authorities to gain access to the contents of electronic communications on a generalised basis must be regarded as compromising the essence of the fundamental right to respect for one's private life, as guaranteed by Article 7 of the Charter;

29. Stresses the need for guidelines and systems to be incorporated into public tenders for data processing models, tools and programmes based on big data for law enforcement purposes in order to ensure that the underlying code can be and is checked by the law enforcement authority prior to final purchase and can be verified for its suitability, correctness and security, bearing in mind that transparency and accountability are limited by proprietary software; points out that certain models of predictive policing are more privacy-friendly than others, such as where probabilistic predictions are made about places or events and not about individual persons;

Security

30. Underlines the absolute need to protect law enforcement databases from security breaches and unlawful access since this is a matter of concern for individuals; believes, therefore, that tackling such risks requires concerted and effective cooperation between law enforcement authorities, the private sector, governments and independent supervisory data protection authorities; insists on the need to guarantee adequate security for personal data, in accordance with Regulation (EU) 2016/679 and Directive (EU) 2016/680, as well as to minimise vulnerabilities through secured and decentralised database architectures;

Non-discrimination

31. Warns that, owing to the intrusiveness of the decisions and measures taken by law enforcement authorities — including by means of data processing and data analytics — into the lives and rights of citizens, maximum caution is required in order to prevent unlawful discrimination and the targeting of certain individuals or groups of people defined by reference to race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, property, birth, disability, age, gender, gender expression or identity, sexual orientation, residence status, health or membership of a national minority which is often the subject of ethnic profiling or more intense law enforcement policing, as well as individuals who happen to be defined by particular characteristics; calls for proper training for the frontline collectors of data and users of intelligence derived from the data analysis;

32. Calls on the Member States' law enforcement authorities that make use of data analytics to uphold the highest standards of ethics when analysing data and to ensure human intervention and accountability throughout the different decision-making stages, not only to assess the representativeness, accuracy and quality of the data, but also to assess the appropriateness of each decision to be taken on the basis of that information;

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

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P8_TA(2017)0077

Minimum standards for the protection of farm rabbits

European Parliament resolution of 14 March 2017 on minimum standards for the protection of farm rabbits (2016/2077(INI))

(2018/C 263/11)

The European Parliament,

- having regard to Articles 13 and 43 of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs,
 - having regard to Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves,
 - having regard to Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens,
 - having regard to Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production,
 - having regard to Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes,
 - having regard to the Special Eurobarometer 442, entitled 'Attitudes of Europeans towards Animal Welfare', published in March 2016,
 - having regard to the European Food Safety Authority's (EFSA) Scientific Opinion Concerning the Welfare of Animals during Transport of 12 January 2011,
 - having regard to EFSA's Scientific Opinion on 'The impact of the current housing and husbandry systems on the health and welfare of farmed domestic rabbits' of 11 October 2005,
 - having regard to Chapter 7.5 of the World Organisation for Animal Health's (OIE) Terrestrial Animal Health Code, entitled 'Slaughter of animals',
 - having regard to the UK Government's Code of Recommendations for the Welfare of Rabbits,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A8-0011/2017),
- A. whereas rabbits are the fourth most farmed animal in the world and the second most farmed species in the EU in terms of numbers;
- B. whereas European producers are required to meet high standards of animal health and welfare that are not always compulsory in third countries exporting animals for slaughter to the EU;
- C. whereas consumers are becoming increasingly attentive to the conditions under which animals are being reared;
- D. whereas rabbit farming has been very hard-hit by the decline in meat consumption in the European Union and the economic crisis in farming and whereas sales prices have fallen by some 20 % in three years, while production costs have remained constant;

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- E. whereas account should be taken of the nutritional contribution made by rabbit meat and the role its production plays in family-run businesses, accounting for a significant share of jobs for women in many rural areas where there are few possibilities for livestock diversification;
- F. whereas just as much account should be taken of the welfare of farmers as of animal welfare;
- G. whereas the majority of rabbits are farmed for meat production, with over 340 million rabbits slaughtered for meat ever year; whereas rabbit farming represents less than 1 % of the EU's final livestock production;
- H. whereas the rabbit farming sector in the EU faces a steady decline and the figures for 2016 point to a 4,7 % fall in production owing to a consumer trend of declining rabbit meat consumption; whereas the rabbit farming sector operates in global market conditions and does not benefit from direct aid or market interventions under Pillar I of the Common Agricultural Policy;
- I. whereas the EU has a negative trade balance with China with regard to rabbit meat; whereas 99 % of rabbit meat imports into the EU originate from China; whereas Chinese producers will out-compete EU farmers, with adverse animal welfare implications, if no action is taken;
- J. whereas it is both important and necessary to achieve and maintain profitable rabbit production so that it can continue to help preserve the rural fabric and employment, particularly for women, in areas where other types of production are not possible, as well as continuing to offer varied, high-quality food to consumers;
- K. whereas the European Union is the prime producer of rabbits in the world, ahead of Asia and particularly China, which, producing 417 000 tonnes of carcasses, is the biggest exporter;
- L. whereas rabbit farmers and the sector as a whole have an interest in ensuring that rabbit breeding in line with the European production model continues to uphold the highest standards in the world with regard to food safety, animal health and welfare and respect for the environment;
- M. whereas European rabbit farming is based on the coexistence of different production systems, and whereas rabbit farming is an important way of diversifying the income of many small farms throughout the territory;
- N. whereas, with a mean consumption of 1,70 kg per inhabitant, rabbit meat is one of the least consumed meats in the Union (between 1 % and 2 % of all meat consumed);
- O. whereas there are grave concerns regarding the poor welfare, high stress levels and high mortality and morbidity rates of farm rabbits in Europe, as already concluded by EFSA in 2005; whereas the housing, feeding, genetics, health aspects and optimisation of the emotional state of rabbits kept for farming purposes are vital questions for stakeholders involved in rabbit farming, especially with regard to maintaining animal health and welfare;
- P. whereas, since their domestication, the majority of rabbits in the EU are usually kept in battery cages, which can — and often do — vary from country to country in terms of their specifications;
- Q. whereas the rabbit, like other species that coexist with humans, keeps elements of its natural behaviour, and further research therefore needs to be carried out on measures and conditions that can be implemented during rearing to ensure that rabbits are able to maintain their natural behaviour as far as possible, provided that this has a positive impact on their own health;
- R. whereas, for the purposes of intensive farming, breeds of rabbit which grow quickly and early — formerly called 'meat rabbits' — are used, in particular commercial hybrids used on industrial breeding farms for the production of meat animals;

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- S. whereas organic production systems where fattening rabbits are kept in group pens with access to a small area of pasture and more space overall are a possible alternative to battery farming, although such group housing systems may pose problems in relation to negative social interactions and aggressiveness among the animals, causing lesions that affect their health and welfare and an increase in diseases transmitted through the oro-faecal route;
- T. whereas some national rules on organic production advocate that rabbits be raised in group pens equipped with access to a small area of pasture at the base of the pen;
- U. whereas, as in the case of other species such as poultry, research could be undertaken into alternative production systems, including organic production systems, that can offer consumers a wider range of food products and have hitherto been developed only to a limited extent;
- V. whereas, having regard to the above, further research should be carried out on the challenges and opportunities of group housing systems;
- W. whereas the sector's low level of economic significance in the EU represents a strong disincentive for research and innovation aimed at improving rabbit health and welfare;
- X. whereas there are minimum EU standards for the protection of pigs⁽¹⁾, calves⁽²⁾, laying hens⁽³⁾ and broiler chickens⁽⁴⁾, as well as the general Council Directive for the protection of animals kept for farming purposes⁽⁵⁾, but there is no specific EU legislation on minimum standards for the protection of farmed rabbits; whereas increasing numbers of consumers and citizens across the EU are asking for regulation and better welfare for farm rabbits;
- Y. whereas the ban on the conventional caging of laying hens under Directive 1999/74/EC is now in force and has for the most part been successfully transposed in the Member States;
- Z. whereas some Member States have national legislation and legal requirements for rabbit farming and have developed guides of best practice in collaboration with the sector; whereas in 2012 Austria banned the keeping of rabbits in cages for meat production and Belgium has legislation in force that aims to phase out battery cages and replace them with park systems by 2025;
- AA. whereas the European Animal Welfare Strategy argued that existing legislation should be fully implemented before introducing more legislation, and that the development of guides to best practice should be encouraged;
- AB. whereas, considering the demand for a transition to alternative production systems and given the modest economic weight of rabbit farming in European animal production, the Member States and the Commission should be encouraged to undertake further research in the areas of rabbit health, welfare, rearing, housing, nutrition, behaviour and stunning;
- AC. whereas EFSA's Scientific Opinion of 2005 on housing and husbandry systems for farmed rabbits recommended increases in cage size, lower maximum stocking densities for growing animals and therapeutic interventions, including the use of additives to reduce disease;

⁽¹⁾ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).

⁽²⁾ Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 11.1.2009, p. 7).

⁽³⁾ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, p. 53).

⁽⁴⁾ Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production (OJ L 182, 12.7.2007, p. 19).

⁽⁵⁾ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23).

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- AD. whereas the recommendations of the OIE's Terrestrial Animal Health Code on animal slaughter, including methods of stunning and knowledge requirements for operators, apply to rabbits;
- AE. whereas Article 3 of Council Directive 98/58/EC on animal welfare requires 'all reasonable steps' to be taken to ensure the welfare of animals, and Article 4 defines standards for keeping animals in terms of 'established experience and scientific knowledge', which includes standards laid down by EFSA and the OIE;

General remarks

1. Notes that rabbits in the EU are usually reared in conventional unenriched cages, a barren environment that only has a drinker and feeder and which does not meet the conditions for optimal farming according to the latest scientific findings; also notes that rabbits are sometimes exclusively fed on pellets, without access to fibrous material, and that the close confines of barren wire cages can lead to abnormal behaviour;
2. Notes that further scientific research is needed into housing systems which could promote health quality and limit the risk that animals may become diseased or infected;
3. Acknowledges that alternatives to cage farming of rabbits are being successfully implemented, such as park farming or hutch systems, with grass as the main feed, which improve the comfort and welfare of farmed rabbits; considers that alternative systems should be developed, improved and encouraged whilst recognising that demand for rabbit meat from such systems could to some extent be limited by the impact of additional production costs on the price charged to the consumer;
4. Encourages the use of collective park systems for rabbits because they allow more generous living space, permitting social and locomotive behaviour; points out that the use of collective park systems improves the welfare of farm rabbits by allowing them an existence more closely resembling their natural state; stresses that animal health also depends on two important farming practices, namely the ambient conditions of buildings and the development of adequate husbandry, bio-security and management practices;
5. Calls on the Member States and the Commission to undertake further research for the purpose of finding the best possible housing systems to improve animal welfare in different types of farming, making it possible to implement improvements to farms whilst at the same time guaranteeing their sustainability;
6. Stresses that all rabbit meat on the EU market must adhere to high food safety and quality standards and animal welfare criteria, including imports from third countries; highlights the dangers of unfair competition from third countries if equivalent standards and criteria are not applied to imports;
7. Calls on the Commission and the Member States to preserve the quality and safety of rabbit meat imports by undertaking thorough controls and inspections when these imports enter the Union;
8. Welcomes the establishment of the European platform on animal welfare and calls on the Commission and the Member States to exchange and highlight codes of practice on rabbit farming;

Rabbit breeding

9. Emphasises that the breeding of rabbits in the EU is highly intensified, although the conditions in which rabbits are bred and kept vary, owing to differences in the aims of rabbit breeding and in consumer requirements between markets and Member States;
10. Points out that cage size varies according to the animals' age and weight and that this influences movements such as stretching out, sitting and standing with their ears erect (a 'lookout' posture typical of the species), rearing up, turning around comfortably and hopping; underlines that this lack of exercise can also lead to weakened bones, stereotypic behaviour and footpad lesions;

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11. Stresses that housing systems have improved over time to incorporate new arrangements such as footrests, with the aim of reducing foot lesions and improving welfare; points out, however, that some of the older models of cage used may have an unsuitable design by modern standards;

12. Notes with concern that there is an intrinsically high rate of disease and mortality amongst farm rabbits owing to factors such as higher parasite infection rates (coccidiosis, pinworms, etc.) and susceptibility to infectious diseases such as HDV and myxomatosis;

13. Points out that EFSA concluded in 2005 that the mortality and morbidity rates of farmed rabbits seemed considerably higher than in other farmed animal species owing to enteric and respiratory infections and reproductive problems; notes equally that the same EFSA report warned of the higher risks to rabbit health arising from production on the ground in comparison with cages, specifically owing to coccidiosis and parasite infections;

14. Welcomes the progress made by many producers in introducing improvements to the design of housing systems in line with EFSA's recommendations; expresses its concern, however, about the scant amount of treatment and research aimed at tackling diseases among farm rabbits;

Rabbit rearing

15. Expresses its concern that rabbits reared and fattened for meat production in the EU and kept in old-fashioned cages which do not conform to modern farming requirements are being provided with a space per rabbit that is less than the area of two ordinary A4 sheets of paper;

16. Points out that rabbits are extremely sensitive animals and can suffer from a wide range of welfare problems and diseases caused by inappropriate breeding conditions, including fatal viruses, respiratory diseases and sore hocks from sitting on wire-mesh cage floors;

17. Points out that few therapeutic tools are available to rabbit farmers and veterinarians to tackle the health problems that arise and that more efforts are needed to tackle lack of research and investment in medicines for treating minor uses and minor species;

18. Notes also that nutrition has a high impact on animal welfare and animal health, and therefore considers that rabbits should have permanent access to a balanced diet with proper fibrous doses;

19. Notes, nevertheless, that health risks are limited thanks to very strict EU health rules and stresses that under legislation in force (Directive 98/58/EC) sick animals should immediately receive medical treatment, accompanied by isolation of the animal during its convalescence or followed by euthanasia if necessary;

20. Recognises the importance of providing training courses for people involved in all aspects of animal handling in rabbit farming, and good practice guides based on reliable technical and scientific analyses, in order to improve their performance and understanding of the relevant animal welfare requirements and thereby avoid unnecessary suffering for animals;

21. Points out that rabbits weaned for fattening and does kept in alternative collective park systems, which typically provide 750 cm²/rabbit for growers and 800 cm²/rabbit for does, benefit from more space for movement, social interaction and play, and that platforms in collective park systems allow rabbits to avoid aggressors by getting out of the way, with separate housing for does when they are nursing a litter;

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22. Acknowledges that such systems will cause farms to incur costs, which needs to be taken into account by providing financial assistance to farmers who opt for this system for raising rabbits; invites the Commission to support the rabbit farming sector in future EU budgets; notes that financial support is available under rural development programmes to support those farmers who apply animal welfare measures that improve the welfare of rabbits;

23. Points out that any compulsory measure initiated will have to be backed up by the budget necessary to support rabbit breeders; also maintains that a specific heading should be included for the purpose of promoting the consumption of rabbit meat;

24. Underlines that more research into the group housing of does would benefit their welfare, in particular with regard to the time during which does have to be kept in separate housing and when to subsequently reintroduce them into the group;

25. Advises that male rabbits over 12 weeks of age which are kept for breeding should always be housed separately in any system, owing to problems of aggression;

Transport and slaughtering

26. Points out that transport is a stressful experience for rabbits; underlines that rabbits should be fed and watered before long-distance transport and be provided with adequate food, water and space in transit, and that transport times should be as limited as possible, owing to the sensitivity of the species; emphasises that there are a huge variety of stress factors that affect animal welfare such as heat, starvation, dehydration, pain and trauma, cold, motion sickness and fear;

27. Stresses that the welfare of farm rabbits during transport and slaughtering also depends on the attitudes and handling procedures used by farmers, hauliers and abattoir personnel, as well as the transport logistics; calls on the Commission to monitor the implementation and enforcement of the relevant EU legislation, especially Council Regulation (EC) No 1/2005 on the protection of animals during transport;

28. Stresses that rabbits should be fully stunned before slaughter, ensuring that they undergo no suffering, pain or stress; recalls that slaughter must be carried out without risk of the stunned animal regaining consciousness in line with Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing; recalls that the development of practical research into stunning techniques used on other species would make it possible to establish electric or other stunning methods, such as stunning with a mixture of gases, appropriate to the specific characteristics of rabbits, which may be commercially viable as well as more humane;

Antimicrobial resistance

29. Recognises the efforts of European producers to reduce the use of antibiotics in rabbit farming; stresses that the widespread use of antibiotics in rabbit farming, especially in intensive types of farming, can lead to an increase in antimicrobial resistance;

30. Notes that strong reliance on antibiotics can lead to an increase in antimicrobial resistance, making it vital to move towards more responsible use; takes the view that rabbit farming is part of this situation alongside other animal production sectors and that it must also make a significant effort to promote responsible use of antibiotics in order to maintain efficacy and to prevent antimicrobial resistance;

31. Emphasises that in order to reach and maintain high standards of hygiene in all farming systems, mainly by means of the development of preventive measures and targeted checks, Member States should be encouraged to gradually phase out the use of conventional battery cages across the EU, whilst promoting economically viable enriched farming systems;

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32. Stresses that antibiotics must be used only for treatment purposes and should be followed by the appropriate withdrawal period before slaughter in accordance with Regulation (EC) No 470/2009 of the European Parliament and of the Council on residue limits of pharmacologically active substances in foodstuffs of animal origin, in order to guarantee that rabbit meat is safe;

33. Emphasises that reducing the use of antibiotics, and the positive impact that this will have on public health, can only be achieved if stronger emphasis is placed on the management and monitoring of rabbit farms;

Conclusions

34. Encourages the Commission, in the light of the high number of rabbits being farmed and slaughtered in the EU and the severe animal welfare implications of the systems currently used for keeping rabbits, to draw up a roadmap towards financially sustainable minimum standards for the protection of farm rabbits; emphasises that this roadmap should contain measurable milestones with regular reporting, and, in chronological order, should consist, as a minimum, of:

- the drafting of guidelines containing good practices and establishing animal welfare rules for rabbits in cooperation with all those involved in production and other stakeholders in the rabbit farming sector,
- a Commission Recommendation, taking into consideration existing national measures, containing, where appropriate, proposals for a common EU approach, in particular with regard to rabbit health, welfare and housing,
- within an appropriate timeframe, a legislative proposal on minimum standards for the protection of farm rabbits;

35. Invites the Commission to use scientific evidence and findings as the basis when proposing measures for housing requirements for breeding does and for rabbits reared for meat production, giving due consideration to the biological needs of the animals and their species-specific behaviour for such housing requirements;

36. Believes that the requirements in Articles 3 and 4 of Directive 98/58/EC for 'all reasonable steps' to be taken for animal welfare and defining standards in accordance with 'established experience and scientific knowledge' should be used to enforce the scientific recommendations on rabbit welfare laid down by EFSA and the OIE;

37. Points out that a balance must be kept between the various aspects to be taken into consideration, as regards animal welfare and health, the financial situation and working conditions of farmers, sustainability of production, environmental impact and consumer protection; points out also that account must be taken of consumer needs for affordable, high-quality rabbit meat;

38. Stresses that the CAP's aim is to supply agricultural and food products to consumers across the EU whilst taking into account their needs and wishes for healthy and high-quality agricultural and food products at affordable prices;

39. Encourages the Member States and the sector to create clear systems of production labelling and to make use of labelling schemes as laid down in Chapter V of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, to ensure greater market transparency, uphold quality standards and protect consumer health, thereby allowing consumers to make informed and transparent purchasing choices, while highlighting the provenance of the product and protecting it from unfair competition;

40. Stresses that all existing rules should be harmonised at EU level; underlines that exchanging information for the purpose of drawing up good practice guides and support of national guidelines are crucial to this process;

41. Encourages all Member States to bring their provisions into line with the existing rabbit welfare provisions laid down by Austria, Belgium, Germany and the United Kingdom, in the interests of a level playing field;

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42. Acknowledges the need for further scientific research into rabbit farming, considering the demand for a transition to alternative production systems; encourages the Member States and the Commission to give dedicated budgetary support to and undertake research into:

- health of farm rabbits,
- welfare of farm rabbits,
- housing for farm rabbits,
- breeding of farm rabbits, including breeding of rabbits from genetic strains with calmer temperaments,
- rearing of farm rabbits,
- behaviour of farm rabbits,
- nutrition for farm rabbits,
- species-specific diseases, morbidity and mortality of farm rabbits,
- appropriate medicinal products, vaccines and treatments for farm rabbits, taking into account the increasing problems of antimicrobial resistance,
- appropriate species-specific humane stunning methods for farm rabbits;

43. Calls on the Commission and the Member States to provide data on rabbit meat production and trade and to include rabbit meat in the European Meat Market Observatory;

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

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P8_TA(2017)0083

Obstacles to EU citizens' freedom to move and work in the Internal Market

European Parliament resolution of 15 March 2017 on obstacles to EU citizens' freedom to move and work in the internal market (2016/3042(RSP))

(2018/C 263/12)

The European Parliament,

- having regard to Article 3(2) of the Treaty on European Union (TEU),
- having regard to Titles IV and V and Articles 4(2)(a), 20, 21, 26, 45-48 and 153 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 5(2), 30, 31 and 47 of the Charter of Fundamental Rights of the European Union,
- having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾,
- having regard to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾,
- having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ⁽³⁾,
- having regard to Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 ⁽⁴⁾,
- having regard to Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services ⁽⁵⁾,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC ⁽⁶⁾,
- having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications ⁽⁷⁾,
- having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ⁽⁸⁾,

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 1.

⁽³⁾ OJ L 141, 27.5.2011, p. 1.

⁽⁴⁾ OJ L 107, 22.4.2016, p. 1.

⁽⁵⁾ OJ L 18, 21.1.1997, p. 1.

⁽⁶⁾ OJ L 158, 30.4.2004, p. 77.

⁽⁷⁾ OJ L 255, 30.9.2005, p. 22.

⁽⁸⁾ OJ L 88, 4.4.2011, p. 45.

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- having regard to Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') ⁽¹⁾,
 - having regard to Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers ⁽²⁾,
 - having regard to Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') ⁽³⁾,
 - having regard to the Commission communication of 2 July 2009 on guidance for better transposition and application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (COM(2009)0313),
 - having regard to the Commission communication of 25 November 2013 entitled 'Free movement of EU citizens and their families: Five actions to make a difference' (COM(2013)0837),
 - having regard to the 2017 EU Citizenship Report of 24 January 2017, entitled 'Strengthening Citizens' Rights in a Union of Democratic Change' (COM(2017)0030),
 - having regard to its resolution of 15 December 2011 on freedom of movement for workers within the European Union ⁽⁴⁾,
 - having regard to its resolution of 14 January 2014 on social protection for all, including self-employed workers ⁽⁵⁾,
 - having regard to its resolution of 16 January 2014 on respect for the fundamental right of free movement in the EU ⁽⁶⁾,
 - having regard to Rule 216(2) of its Rules of Procedure,
- A. whereas the Committee on Petitions has received several petitions raising concerns about the different obstacles encountered by EU citizens in exercising their freedom of movement;
- B. whereas the non-recognition by some Member States of LGBTI marriage or legal union can be an obstacle to the freedom of movement in the Union of these people and their partners, preventing them from accessing some social benefits or public services in those countries;
- C. whereas a hearing on obstacles to EU citizens' freedom to move and work in the internal market, as presented by petitioners, was held in the Committee on Petitions meeting of 11 October 2016;
- D. whereas freedom of movement constitutes a fundamental right of EU citizens and is essential for the social and economic cohesion within the Union, aimed at ensuring full employment and social progress;

⁽¹⁾ OJ L 354, 28.12.2013, p. 132.

⁽²⁾ OJ L 128, 30.4.2014, p. 8.

⁽³⁾ OJ L 159, 28.5.2014, p. 11.

⁽⁴⁾ OJ C 168 E, 14.6.2013, p. 88.

⁽⁵⁾ OJ C 482, 23.12.2016, p. 48.

⁽⁶⁾ OJ C 482, 23.12.2016, p. 114.

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- E. whereas this freedom of movement for workers has been violated by several Member States, a point raised by several petitioners; whereas mobile EU citizens sometimes avoid accessing health services for fear of expulsion, which effectively limits their fundamental right of access to healthcare;
 - F. whereas the economic crisis and the measures to combat it have increased socioeconomic inequalities and the number of economic migrations within the EU; whereas this ought to be duly taken into account and specific coordinative measures established by both the home and host Member States and the EU institutions concerned;
 - G. whereas the mobility of workers in the EU can be a challenge to national labour markets, which requires targeted solutions, but it can also contribute to making them fairer, provided that the fundamental rights of workers are fully protected;
 - H. whereas Member States and the EU institutions share the responsibility for making the principles of free movement work to the benefit of citizens, growth, economic and social development and employment and for ensuring more effective transposition and implementation of the relevant EU legal framework;
 - I. whereas in some instances the social security of mobile EU workers and their families is marked by inequalities and contingencies;
 - J. whereas social security rights should be enjoyed without discrimination against permanent, seasonal or cross-border workers and by those who pursue their activities for the purpose of providing services;
 - K. whereas using promissory notes in employment relationships may lead to an unfair and discriminatory situation for workers and impede them from enjoying their right to freedom of movement in the internal market;
 - L. whereas petitioners are concerned about the lack of broadband connectivity, especially in remote, rural and mountainous areas, and the mismatches between advertised and actual broadband speeds, which impinges on the level of consumer protection in the internal market and creates obstacles to the access of information and services;
1. Calls on the Member States, in compliance with the subsidiarity principle, to remove any discriminatory practices and unnecessary barriers from their rules for EU citizens and their family members, including non-EU family members, so that they benefit from the entry and residence rights in their territories, as well as from their social rights, while making their administration more efficient with a view to facilitating labour mobility in the EU;
 2. Expresses its deepest concern at the practice by some Member States, in breach of the principle of freedom of movement of workers, of expelling European citizens who have been employed there shortly after the expiration of their employment contract;
 3. Calls on the Commission to clarify, update and expand its guidance for better transposition and application of Directive 2004/38/EC in order to notably include the recent rulings from the Court of Justice of the European Union (CJEU) (Cases C-456/12 ⁽¹⁾ and C-457/12 ⁽²⁾); recommends the use of the transposition implementation plans (TIPS) to ensure complete and proper application;
 4. Stresses the principle of equal pay for equal work, and deplores the fact that some Member States deny social protection to EU non-national workers; urges the Member States to comply with current EU legislation and the fundamental

⁽¹⁾ Judgment of the Court (Grand Chamber) of 12 March 2014, *O. v Minister voor Immigratie, Integratie en Asiel and Minister voor Immigratie, Integratie en Asiel v B.*, ECLI:EU:C:2014:135.

⁽²⁾ Judgment of the Court (Grand Chamber) of 12 March 2014, *S. v Minister voor Immigratie, Integratie en Asiel and Minister voor Immigratie, Integratie en Asiel v G.*, ECLI:EU:C:2014:136.

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principles of labour law in order to protect all EU workers; calls for existing conditions to be better defined to allow EU citizens and third-country-national family members to benefit from their social rights;

5. Welcomes the creation of the Electronic Exchange of Social Security Information (EESSI), which helps social security bodies across the EU exchange information faster and more securely; calls for the Member States to improve their technological capacity to adapt to the new type of information exchange; calls for the possibilities for fostering cross-national collective agreements and the creation of European platforms promoting good practices to be assessed;

6. Calls on the Member States to establish single national websites as provided for in Directive 2014/67/EU; calls on the Commission and the Member States to improve their guidance and counselling activities to further strengthen citizens' freedom to move, work and study in other Member States and to raise public awareness; calls on the Commission to improve the effectiveness of tools created to offer information on job and learning opportunities across the EU, such as EURES and PLOTEUS, and to further raise public awareness about them; takes note of the new EURES Regulation (Regulation (EU) 2016/589), aimed at making EURES an effective employment tool through fair intra-EU labour mobility; stresses that better consular assistance and cooperation helps raise awareness of individuals' personal status and protect the fundamental rights of mobile workers or students, and facilitates their smooth integration in the host Member State;

7. Invites the Member States to deliver clear guidelines and proper training for the civil servants and administrative employees involved in the implementation of the social rights of EU and non-EU citizens, workers and their family members legally residing in the EU;

8. Calls for the SOLVIT service to be enhanced, for instance with the creation of a helpline, and for the reinforcement of any other competent authorities to which EU citizens can address their specific inquiries concerning the internal market, to allow them and their family members to receive timely information and support when facing barriers in exercising their right to free movement;

9. Calls for improvements in the collection and processing of statistical data on the number of citizens using the portability of their social rights from one Member State to another in order to further improve coordination between Member States and reinforce EU citizens' rights with policy solutions to achieve higher levels of social protection;

10. Calls for better harmonisation of the interpretation of 'habitual residence';

11. Deplores the fact that the failure to aggregate social security entitlements creates barriers for EU residents, and calls on the Member States to fully and effectively implement Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems in order to ensure the portability of social security benefits (e.g. state pensions, health insurance, unemployment benefits and family benefits) and consequently reduce barriers to labour mobility in the EU; calls for resolute effective steps towards a coordinated system of aggregated social contributions and benefits for every individual across the EU, such as a social security card aimed at facilitating the traceability of social security contributions and entitlements⁽¹⁾;

12. Calls on the Member States to implement as a matter of urgency the European Disability Card, which would facilitate the travel and movement of persons with disabilities from one Member State to another;

⁽¹⁾ Pilot Project: Social security card (2016_04.037717_3) implemented in 2016 and early 2017 through the feasibility study on a 'European mobility portal on social security — Social security at your fingertips'.

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13. Deplores the exclusion of EU citizens from another Member State's national public health system, as it is a right defined in Directive 2011/24/EU on the application of patients' rights in cross-border healthcare, in Regulation (EC) No 883/2004 on the coordination of social security systems and in the related CJEU case law ⁽¹⁾;
 14. Asks for better coordination in the EU taxation framework in order to eliminate double taxation, among other relevant issues such as preventing fiscal dumping;
 15. Notes the increasing number of cross-border child-custody matters, stemming from the free movement of people; calls for greater consular and judicial cooperation on child-custody cases among Member States; welcomes the ongoing revision of the Brussels IIa Regulation;
 16. Condemns the practice of using blank promissory notes in employment relationships, which enables employers to claim potential damages more easily and avoid lengthy litigation in labour courts, while reversing the burden of proof as regards guilt and the amount of the damage; stresses that these blank promissory notes impede citizens from enjoying their right of freedom of movement in the internal market; calls on the Member States to adopt legislation prohibiting the use of blank promissory notes in employment relationships across the EU; urges the Commission to issue a recommendation to Member States on the need for the use of blank promissory notes in employment relationships to be strictly prohibited;
 17. Is concerned about the difficulties encountered by petitioners in getting their professional qualifications recognised across Europe; calls for further standardisation of academic titles and continuous education diplomas by Member States, systemic use of the Internal Market Information System (IMI) to ensure better administrative cooperation and simpler and faster procedures for the recognition of professional qualifications and of continuous professional development requirements needed by qualified professionals planning to work in another Member State, avoiding any kind of discrimination, in line with the settled case-law of the Court of Justice, while respecting the requirements of the host country in full compliance with Directive 2005/36/EC on the recognition of professional qualifications;
 18. Is convinced that mobility should be coordinated in a broad regulatory process aimed at guaranteeing stable quality jobs with effective social rights, effectively tackling all forms of discrimination and precariousness;
 19. Believes that the EU and its Member States must successfully address the lack of employment opportunities and inadequate social protection in workers' home regions to ensure that mobility is voluntary;
 20. Calls on the Commission to ensure the effective monitoring and implementation of the Telecoms Single Market Regulation, which will include provisions for customers to be informed about the minimum, normally available, maximum and advertised broadband speeds; supports awareness-raising campaigns in this regard that aim at eradicating misleading advertisements;
 21. Calls on the Member States to fully implement Directive 2011/24/EU on the application of patients' rights in cross-border healthcare and to ensure efficient and timely reimbursement of cross-border healthcare, including the reimbursement of medicines that could constitute a means of arbitrary discrimination or an unjustified obstacle to free movement;
 22. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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⁽¹⁾ E.g.: Judgment of the Court of 28 April 1998, *Kohll v Union des caisses de maladie*, C-158/96, ECLI:EU:C:1998:171; Judgment of the Court of 28 April 1998, *Decker v Union des caisses de maladie*, C-120/95, ECLI:EU:C:1998:167; or Judgment of the Court (Grand Chamber) of 12 April 2005, *Heirs of Annette Keller v Instituto Nacional de la Seguridad Social (INSS) and Instituto Nacional de Gestión Sanitaria (Ingesa)*, Case C-145/03, ECLI:EU:C:2005:211.

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P8_TA(2017)0084

Commission's approval of Germany's revised plan to introduce a road toll**European Parliament resolution of 15 March 2017 on the Commission's approval of Germany's revised plan to introduce a road toll (2017/2526(RSP))**

(2018/C 263/13)

The European Parliament,

- having regard to the Commission's White Paper entitled 'Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system' (COM(2011)0144),
- having regard to Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU ⁽¹⁾,
- having regard to the Commission communication of 20 July 2016 on a European strategy for low-emission mobility (COM(2016)0501),
- having regard to the adoption by the German Bundestag on 27 March 2015 of the legislative proposal 'Entwurf eines Gesetzes zur Einführung einer Infrastrukturabgabe für die Benutzung von Bundesfernstraßen' and the 'Zweites Gesetz zur Änderung des Kraftfahrzeugsteuergesetzes und des Versicherungsteuergesetzes',
- having regard to the approval by the German Bundesrat on 8 May 2015 of the 'Gesetz zur Einführung einer Infrastrukturabgabe für die Benutzung von Bundesfernstraßen' and the 'Zweites Gesetz zur Änderung des Kraftfahrzeugsteuergesetzes und des Versicherungsteuergesetzes',
- having regard to the infringement procedure on the introduction by Germany of a new road charging scheme for private vehicles ('Pkw-Maut'), launched by the Commission on 18 June 2015,
- having regard to the agreement of 1 December 2016 between the President of the Commission and the German Ministry of Transport and Digital Infrastructure, concerning a German car toll system ('Pkw-Maut'),
- having regard to Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures ⁽²⁾ and its upcoming revision as part of the Commission's road initiative in 2017,
- having regard to Directive 2004/52/EC of the European Parliament and of the Council of 29 April 2004 on the interoperability of electronic road toll systems in the Community ⁽³⁾ and its upcoming revision as part of the Commission's road initiative in 2017,
- having regard to the principle of non-discrimination as enshrined in Article 18 of the Treaty on the Functioning of the European Union (TFEU) and EU law which prohibits discrimination on the grounds of nationality,

⁽¹⁾ OJ L 348, 20.12.2013, p. 1.⁽²⁾ OJ L 187, 20.7.1999, p. 42.⁽³⁾ OJ L 166, 30.4.2004, p. 124.

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- having regard to the question to the Commission on the Commission's approval of Germany's revised plan to introduce a road toll (O-000152/2016 — B8-0201/2017),
 - having regard to the motion for a resolution of the Committee on Transport and Tourism,
 - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas it is currently under review whether the intended German road toll system on light-duty vehicles (LDVs) is in line with standing European Union policies;
- B. whereas a reimbursement system directly or indirectly based on nationality is discriminatory, contradicts guiding principles of the European Union, hampers cross-border mobility and weakens the European single market;
- C. whereas the intended German toll system is possibly contrary to the 'non-discrimination', 'user pays' and 'polluter pays' principles;
- D. whereas national toll systems introducing fees indirectly or directly based on nationality would be contrary to EU law;
- E. whereas national toll systems have, in particular, a negative impact on citizens in border regions having to deal with different toll systems and the associated costs, hinder the free flow of cross-border traffic and create unnecessary obstacles to further European integration;
- F. whereas consequential additional administrative burdens would result in higher costs and possibly non-transparent procedures, reducing the intended additional means for investment in infrastructure;
1. Acknowledges that transport represents a crucial sector for economic growth by ensuring efficient and affordable mobility of citizens and goods within and beyond the European Union;
 2. Points out that the Commission and the Member States should invest adequately in transport infrastructure;
 3. Urges the Commission to implement standing policies, as stipulated in — among other things — the 2011 White Paper on transport;
 4. Stresses that road infrastructure charging can play a vital role in the modal shift and in financing maintenance and development of sustainable, safe, secure, efficient and future-oriented road infrastructure in the European Union;
 5. Stresses that road charging systems for any type of motor vehicle should be electronic and distance-based and should comply with the 'user pays' and 'polluter pays' principles, as enshrined in EU policies and EU legislation, in order to ensure the internalisation of external costs related to road transport;
 6. Points out the need to obtain an improved quality of service on road infrastructure, in particular in terms of safety, as well as significant reduction of congestion;
 7. Encourages the Commission to include external costs from climate change and accidents, not covered by insurance, when proposing new legislation, such as the revision of the Eurovignette Directive; underlines, furthermore, that legislation on the internalisation of external costs must apply on all roads and exclude unfair competition between the different transport modes;
 8. Points out that an ongoing infringement procedure against Germany, which addresses the indirect discrimination based on nationality, has been put 'on hold' until further notice without proper legal reasoning, by means of an informal political agreement between the President of the Commission and the German Ministry of Transport and Digital Infrastructure;
 9. Stresses that the introduction of national road charging systems should not hinder the market access, growth, competitiveness and flexibility of transport and cross-border transport operators in the EU, in order to ensure further development and integrity of the European single market;

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10. Calls on the Commission to provide and disclose relevant information from the Directorate-General for Mobility and Transport (DG MOVE) on the analysis of the new measures for the 'Pkw-Maut' presented by the German authorities and its compliance with EU law;
 11. Underlines that a key requirement for non-discriminatory road charges is that all users pay the same charge for using the same roads; stresses that any national road charging system that directly discriminates on grounds of nationality or is combined with national tax measures to the benefit only of nationals, e.g. a deduction from the national vehicle tax, thus pursuing the objective of primarily charging foreign users, constitutes a violation of the non-discrimination principle enshrined in Article 18 of the TFEU; recalls that the Commission, as guardian of the Treaties, must monitor the correct implementation and application of the law following its adoption;
 12. Calls on the Commission to present to Parliament the agreement entered into with the German Government, pointing out the major differences with the national legislation brought to the Court and reasoning on how it complies with Treaty provisions and EU law;
 13. Is of the opinion that the German road toll system ('Pkw-Maut') of December 2016 still contains elements that represent a breach of Union law and violate fundamental principles of the Treaties, in particular discrimination based on nationality;
 14. Stresses the need for common rules to establish a coherent, fair, non-discriminatory and harmonised framework for road charging systems for all types of vehicles in the European Union;
 15. Urges the Commission to consider the revision of the legislation and harmonised framework regarding the Eurovignette and the European Electronic Toll Service (EETS) as an opportunity to establish such a framework and to monitor and boost proper enforcement of this legislation;
 16. Points out that interoperability of electronic toll systems plays a key role in facilitating cross-border transport and that Member States acting alone create fragmentation and hamper a single European transport area;
 17. Requests that the Commission provide all the legal and technical details of the agreement of 1 December 2016 between the President of the Commission and the German Ministry of Transport and Digital Infrastructure, and clarify all relevant legal and political aspects regarding why the agreement of 1 December 2016, which still does not impose an additional burden on German users and thus maintains an indirect discrimination based on nationality, has been considered as a sufficient basis to put on hold the infringement procedure against Germany, which was launched based on exactly the same discrimination concerns, and that it keep Parliament adequately informed thereof;
 18. Calls on the Commission to monitor the process closely;
 19. Calls on the Commission to keep Parliament involved in every step of the process by means of a structured dialogue;
 20. Instructs its President to forward this resolution to the Council and the Commission.
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Thursday 16 March 2017

P8_TA(2017)0086

Zimbabwe, the case of Pastor Evan Mawarire

European Parliament resolution of 16 March 2017 on Zimbabwe, the case of Pastor Evan Mawarire and other cases of restriction of freedom of expression (2017/2608(RSP))

(2018/C 263/14)

The European Parliament,

- having regard to its previous resolutions on Zimbabwe,
 - having regard to the Local EU Statement on Local Governance of 30 June 2016,
 - having regard to the Local EU Statement on violence of 12 July 2016,
 - having regard to the joint Local EU Statement on the abduction of Itai Dzamara of 9 March 2017,
 - having regard to the Zimbabwe Human Rights Commission's press statement on public protests and police conduct,
 - having regard to Council Decision (CFSP) 2016/220 of 15 February 2016 ⁽¹⁾ extending EU restrictive measures against Zimbabwe until 20 February 2017,
 - having regard to the Declaration by the High Representative on behalf of the EU of 19 February 2014 on the review of EU-Zimbabwe relations,
 - having regard to the Global Political Agreement signed in 2008 by the three main political parties, namely ZANU PF, MDC-T and MDC,
 - having regard to the Council of the European Union conclusions of 23 July 2012 on Zimbabwe and to Council Implementing Decision 2012/124/CFSP of 27 February 2012 implementing Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe ⁽²⁾,
 - having regard to the African Charter of Human and Peoples' Rights of June 1981, which Zimbabwe has ratified,
 - having regard to the EU Guidelines on the promotion and protection of freedom of religion or belief,
 - having regard to the Universal Declaration of Human Rights of December 1948,
 - having regard to the Constitution of Zimbabwe,
 - having regard to the Cotonou Agreement,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the people of Zimbabwe have suffered for many years under an authoritarian regime led by President Mugabe that maintains its power through corruption, violence, elections plagued by irregularities and a brutal security apparatus; whereas the people of Zimbabwe have not experienced true freedom in decades and many under the age of thirty have therefore only known lives of poverty and violent repression;

⁽¹⁾ OJ L 40, 17.2.2016, p. 11.

⁽²⁾ OJ L 54, 28.2.2012, p. 20.

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- B. whereas the #ThisFlag independent social media movement founded by Evan Mawarire, a pastor and human rights defenders based in Harare, catalysed the frustration of citizens with the Mugabe regime during last year's protests against the government's inaction against corruption, impunity and poverty; whereas Pastor Mawarire has called on the government to address the failing economy and respect human rights; whereas the #ThisFlag movement has drawn support from churches and the middle class, which had hitherto tended to steer clear of street politics;
- C. whereas Pastor Evan Mawarire was already arrested on charges of incitement to commit public violence and released in July 2016, and subsequently left Zimbabwe the same month for fear of his and his family's safety;
- D. whereas on 1 February 2017 Pastor Evan Mawarire was arrested at Harare airport on his return to Zimbabwe; whereas he was initially charged with 'subverting a constitutional government' under Section 22 of the Criminal Procedure Act, an offence which is punishable with imprisonment for up to 20 years; whereas on 2 February 2017 another charge was added, that of insulting the flag under Section 6 of the Flag of Zimbabwe Act; whereas Pastor Mawarire was only released on bail after having spent nine days in custody;
- E. whereas, in a public statement, the Zimbabwean Human Rights Commission expressed deep concern about the brutality and violent conduct of the police, stating that the fundamental rights of demonstrators were violated, and called on the Zimbabwean authorities to investigate and bring the perpetrators to justice;
- F. whereas Itai Dzamara, a journalist and political activist, was abducted on 9 March 2015 by five unidentified men at a barbershop in Harare; whereas the High Court ordered the government to search for Dzamara and report on progress to the Court every fortnight until his whereabouts had been determined; whereas the fate of Mr Dzamara remains unknown;
- G. whereas Promise Mkwanzani, the leader of #Tajamuka, a social movement linked to the July stay-away, was arrested and charged for inciting public violence ahead of the call for 'shutdown 3.0' scheduled for 31 August 2016 and has been released on bail; whereas another #Tajamuka activist, Mrs Linda Masarira, who was previously arrested in May 2015 and remanded out of custody on free bail, was arrested again during the protest in July 2016;
- H. whereas the EU restrictive measures against the Zimbabwe regime were renewed in February 2017 until 20 February 2018; whereas the asset freeze and travel bans will continue to apply to President Mugabe, Grace Mugabe and Zimbabwe Defence Industries; whereas an arms embargo will remain in place; whereas the EU has lifted restrictions on 78 people and eight entities;
- I. whereas Zimbabwe is a signatory to the Cotonou Agreement, Article 9 of which stipulates that respect for human rights and fundamental freedoms is an essential element of ACP-EU cooperation;
- J. whereas the EUR 234 million allocated to the National Indicative Programme (NIP) for Zimbabwe for the period 2014-2020 under the 11th European Development Fund is to be focused on three main sectors, namely health, agriculture-based economic development, and governance and institution building;
1. Deplores the arrest of Pastor Evan Mawarire; stresses that his release on bail is not sufficient and that the politically motivated charges against him must be completely withdrawn;
 2. Calls on the Zimbabwean authorities to ensure that the criminal justice system is not misused to target, harass or intimidate human rights defenders such as Pastor Evan Mawarire;

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3. Believes that freedom of assembly, association and expression are essential components of any democracy; stresses that expressing an opinion in a non-violent way is a constitutional right for all Zimbabwean citizens and reminds the authorities of their obligation to protect the rights of all citizens;
 4. Is deeply concerned by human rights organisations' reports of political violence, as well as restrictions on, and intimidation of, human rights defenders; regrets that since the last elections, and the adoption of the new Constitution in 2013, little progress has been made with regard to the rule of law and in particular towards reforming the human rights environment;
 5. Calls on the Zimbabwean authorities to ascertain Mr Dzamara's whereabouts and to ensure that those who are responsible for his abduction face justice; notes that expressing opinion in a non-violent way is a constitutional right for all Zimbabwean citizens and it is the obligation of the authorities to protect the rights of all citizens;
 6. Expresses also its concern about the case of Mrs Linda Masarira, who was convicted on public violence charges arising from the national strike held on 6 July 2016; calls on the Government of Zimbabwe to show restraint and respect the human rights of all Zimbabwean citizens, including the right to free speech and freedom of assembly; reminds the government of its responsibilities as regards respecting, obeying and not subverting the Constitution, and serving all Zimbabwean people impartially without exception;
 7. Calls on the EU Delegation in Harare to continue to offer its assistance to Zimbabwe in order to improve the human rights situation and to explore the possibilities of facilitating an EU election observation mission;
 8. Stresses again the importance for the EU to start up a political dialogue with the Zimbabwean authorities in the framework of the Cotonou Agreement, thereby confirming the EU's commitment to supporting the local population;
 9. Insists that the EU must ensure that the funding allocated to Zimbabwe for its National Indicative Programme effectively addresses the sectors concerned, and calls on the Government of Zimbabwe to allow the Commission unhindered access to EU-funded projects and to enhance its openness to technical assistance for jointly agreed projects and programmes;
 10. Instructs its President to forward this resolution to the Commission, the Council, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EEAS, the Government and the Parliament of Zimbabwe, the governments of the South African Development Community and the African Union.
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P8_TA(2017)0087

Ukrainian political prisoners in Russia and situation in Crimea**European Parliament resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea (2017/2596(RSP))**

(2018/C 263/15)

The European Parliament,

- having regard to the Association Agreement and the Deep and Comprehensive Free Trade Area between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part,
- having regard to its previous resolutions on Ukraine and Russia, in particular those of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars ⁽¹⁾ and of 12 May 2016 on the Crimean Tatars ⁽²⁾, as well as those regarding specific cases of Ukrainians illegally detained in Russia, such as those of 30 April 2015 on the case of Nadiya Savchenko ⁽³⁾ and of 10 September 2015 on Russia, in particular the cases of Eston Kohver ⁽⁴⁾, Oleg Sentsov and Olexandr Kolchenko, ⁽⁵⁾
- having regard to UN General Assembly resolution 68/262 of 27 March 2014 entitled 'Territorial integrity of Ukraine' and to UN General Assembly resolution 71/205 of 19 December 2016 entitled 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)',
- 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 Geneva Convention relative to the Protection of Civilian Persons in Time of War,
- having regard to the 'Package of measures for the implementation of the Minsk Agreements', adopted and signed in Minsk on 12 February 2015 and endorsed as a whole by UN Security Council resolution 2202 (2015) of 17 February 2015,
- having regard to the Council decisions continuing the sanctions imposed on the Russian Federation in relation to the illegal annexation of the Crimean peninsula,
- 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 Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas March 2017 marks the third sad anniversary of the illegal annexation of the Crimean peninsula by Russia;

B. whereas the annexation of Crimea by the Russian Federation is illegal and in violation of international law and European agreements signed by both the Russian Federation and Ukraine, notably the UN Charter, the Helsinki Final Act and the Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation;

⁽¹⁾ Texts adopted, P8_TA(2016)0043.

⁽²⁾ Texts adopted, P8_TA(2016)0218.

⁽³⁾ OJ C 346, 21.9.2016, p. 101.

⁽⁴⁾ Estonian citizen.

⁽⁵⁾ Texts adopted, P8_TA(2015)0314.

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- C. whereas throughout the duration of annexation the Russian authorities are to be held responsible for the protection of the people and citizens of Crimea, through the de facto authorities present in the region;
 - D. whereas according to human rights organisations and public sources, at least 62 Ukrainian citizens have been illegally prosecuted for political reasons by the Russian law enforcement agencies, 49 of whom are residents of Crimea; whereas the number of Ukrainian political prisoners in Russia increased during 2016, despite the welcomed release of six Ukrainians; whereas, currently, 17 citizens of Ukraine are illegally detained in the Russian Federation and 15 in occupied Crimea; whereas at least one hundred Ukrainians are being held hostage in appalling conditions by the Russia-supported separatist forces in the Donetsk and Luhansk regions of Ukraine;
 - E. whereas the use of torture and cruel and degrading treatment has been reported in various cases; whereas these allegations have not been appropriately investigated to date; whereas torture has been used to obtain confessions and support false evidence of guilt; whereas Crimean lawyers who provide legal assistance to these people and human rights defenders who report cases of politically motivated enforced disappearance in Crimea, as well as journalists who report on the situation of the Crimean Tatars, have also been targeted;
 - F. whereas many of the prisoners and detainees have faced harsh and inhumane conditions in prisons, causing physical and psychological risks to their health; whereas there are prisoners who require urgent medical attention and treatment;
 - G. whereas on 16 December 2016 the United Nations General Assembly (UNGA) defined Russia as an occupying power and condemned the temporary occupation of the territory of Ukraine — The Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and reaffirmed the non-recognition of its annexation;
 - H. whereas according to Article 70 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 'protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation'; whereas in the UNGA resolution Russia is recognised as a State which is the Occupying Power, and obligations of the Occupying Power, including the protection of the people and citizens of Crimea, are imposed on it;
 - I. whereas restrictive Russian legislation regulating political and civil rights has been extended to Crimea, which has resulted in the freedoms of assembly, expression, association, access to information and religion being drastically curtailed, as well as credible reports of intimidation, enforced disappearances and torture;
 - J. whereas there are approximately 20 000 internally displaced persons from Crimea in other Ukrainian regions, the Mejlis of the Crimean Tatar People has been banned and proclaimed an extremist organisation and Ukrainian schools on the peninsula have been closed;
 - K. whereas on 16 January 2017, Ukraine filed a case at the International Court of Justice (ICJ) to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination against ethnic Ukrainians and Crimean Tatars in occupied Crimea;
- 1. Supports the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders and strongly reiterates its condemnation of the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol by the Russian Federation; fully supports the firm and sustained determination of the EU and its Member States not to recognise this annexation and the restrictive measures taken in this respect;
 - 2. Recalls that the human rights situation on the Crimean peninsula has significantly deteriorated, violation of freedom of speech, media abuse and forced imposition of Russian citizenship have become systematic and fundamental human rights and freedoms are not guaranteed in Crimea;

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3. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, Crimea's ethnic Tatar minority, the infringement of their property rights, the increasing intimidation of this community and of those that oppose the Russian annexation, and the lack of freedom of expression and association in the peninsula;
4. Calls on Russia to release without further delay all illegally and arbitrarily detained Ukrainian citizens, both in Russia and in the temporarily occupied territories of Ukraine, and to provide for their safe return, including Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyorny, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskiy, Viktor Shur, Andriy Kolomiyets, Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev, Akhtem Chyghoz, Mustafa Dehermendzhi, Ali Asanov, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Arsen Dzhepparov, Refat Alimov, Zevri Abseitov, Remzi Memetov, Rustem Abiltarov, Enver Mamutov, Artur Panov, Evheniy Panov, Roman Suschenko and Emir-Usein Kuku, human rights defender, and others, and to allow all the above-mentioned people to travel freely, including Mykola Semena, who is being prosecuted for his journalistic work for Radio Free Europe/Radio Liberty;
5. Stresses that the decision of the Russian Federation on 21 March 2014 to annex Crimea remains illegal, and strongly condemns the subsequent decision of the Russian authorities to give all inhabitants of Crimea Russian passports;
6. Reminds the Russian Federation, as an occupying power with effective control over Crimea and bound by international humanitarian law and international human rights law, of its obligation to ensure the protection of human rights in the peninsula and calls on the Russian authorities to grant unimpeded access to Crimea for international institutions and independent experts of the Organisation for Security and Cooperation in Europe (OSCE), the United Nations and the Council of Europe, as well as for any human rights NGOs or news media outlets that wish to visit, assess and report on the situation there; calls on the Ukrainian authorities to simplify the procedure for foreign journalists, human rights defenders and lawyers to be granted access to the peninsula;
7. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and strongly reiterates its call for the immediate reversal of the related decision and its effects; deplores the legal persecution and threats of arrest of the Mejlis leaders, such as Mustafa Dzhemilev, a Member of the Ukrainian Verkhovna Rada and a Sakharov Prize nominee, and Refat Chubarov, the Chairman of the Mejlis;
8. Underlines that the Crimean Tatars, as an indigenous people of the peninsula, and their cultural heritage seem to be prime targets for repressions; calls for unrestricted access to Crimea by international institutions and independent experts from the OSCE, the United Nations and the Council of Europe;
9. Reminds the Russian authorities that despite the illegality of the annexation of Crimea, Russia is, in a de facto capacity, fully responsible for upholding the legal order in Crimea and protecting Crimean citizens from arbitrary judicial or administrative measures;
10. Expresses strong concern over the many credible reports of cases of disappearances, torture and systematic intimidation of local citizens opposed to the annexation of Crimea, and calls on Russia to immediately cease the practices of persecution, to effectively investigate all cases of human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment of detainees, and to respect the fundamental freedoms of all residents, including the freedoms of expression, religion or belief and association and the right to peaceful assembly; calls for all disappearances and kidnappings during the period of occupation of Crimea to be investigated immediately, including the case of Ervin Ibragimov;
11. Recalls that according to Russian legislation, the jurisdiction of the Russian justice system applies only to crimes committed on the territory of Russia; deplores the fact that Russian law enforcement agencies have initiated several criminal cases regarding acts committed on the territory of Ukraine and Crimea before its annexation;
12. Welcomes the recent visit of the Ukrainian Ombudsman to Crimea with the aim of meeting the prisoners; regrets that the Ombudsman was not allowed to meet all of them and expresses hope that during her future visits she will have unimpeded access to Ukrainian prisoners in Crimea as well as to those who have been transferred to the Russian Federation;

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13. Calls for unlimited, safe and unhindered access of the OSCE and other international human rights observers and all humanitarian actors to the Crimean peninsula and for the establishment of independent monitoring mechanisms, and for humanitarian and legal assistance to be provided, as required; supports the initiatives led by Ukraine with a view to addressing these issues within the Human Rights Council and the General Assembly; calls on the European External Action Service (EEAS) and the EU Delegation to Russia to closely follow the trial cases against Ukrainian political prisoners and to report on their treatment while in custody; expresses concern over reports of punitive psychiatric treatments being used; expects the EU Delegation, the EEAS and Member States' embassies to closely follow legal proceedings against Ukrainian citizens in Russia and to seek access to these people, before, during and after their trials;

14. Condemns the prevailing practice of transfers of detainees to distant regions of Russia, as this severely hinders their communication with their families and human rights organisations; underlines that this practice is in breach of Russian legislation in force, in particular Article 73 of the Criminal Enforcement Code, according to which sentences should be served in the region in which the convicts reside or in which the court sentence was handed down; denounces the practice of denying consular visits to the people detained and calls on the authorities to unconditionally allow such visits; urges access for the International Committee of the Red Cross (ICRC) to prisons in the occupied territories and the respect of detainees' rights to communicate with their relatives and friends at regular intervals, both by correspondence and by receiving visits;

15. Equally underlines the need for Ukraine to ensure the protection of the rights and needs of displaced Ukrainian citizens, including their right to vote and to enjoy full legal and administrative protection in their country;

16. Welcomes the decision of 22 February 2017 of the Presidium of the Supreme Court of Russia to set aside the conviction of Ildar Dadin on charges of participating in multiple unsanctioned protests, including against Russia's war against Ukraine, and to order his release from custody, following Parliament's resolution of 24 November 2016 ⁽¹⁾ in his defence;

17. Calls on the European Union's Special Representative for Human Rights to pay continuous attention to the human rights situation in the Crimean peninsula; underlines the overall need for the European Union to play a more visible, effective and proactive role in promoting a lasting peaceful solution;

18. Calls for EU support for Ukrainian and Crimean Tatar media projects for Crimea as well as those initiated by the European Endowment for Democracy and Radio Free Europe/Radio Liberty, and in defence of Ukrainian and Crimean Tatar schools and other initiatives to protect their cultural heritage;

19. Calls for further restrictive measures to be imposed on individuals responsible for gross human rights violations, including the freezing of their assets in EU banks;

20. Urges all sides to fully implement the provisions of the Minsk Agreements, including the end of military activities in Donbas and the exchange of hostages, and to release and return all captives without further delay; recalls the particular responsibility of the Russian Government in this respect;

21. Requests that the possibility be explored of establishing an international format for negotiations discussing the de-occupation of Crimea, with the participation of the EU and which would be based on international humanitarian law, human rights and international principles;

22. Urges the Council to find ways to support Ukraine at the ICJ in the case to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination against ethnic Ukrainians and Crimean Tatars in occupied Crimea;

23. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the President of Ukraine, the governments and parliaments of Ukraine and of the Russian Federation, and the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe.

⁽¹⁾ Texts adopted, P8_TA(2016)0446.

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P8_TA(2017)0088

Philippines, the case of senator Leila M. De Lima**European Parliament resolution of 16 March 2017 on the Philippines — the case of Senator Leila M. De Lima (2017/2597(RSP))**

(2018/C 263/16)

The European Parliament,

- having regard to its previous resolutions on the situation in the Philippines, in particular that of 15 September 2016 ⁽¹⁾,
- having regard to the statements by the EU Delegation and the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR),
- having regard to the diplomatic relations between the Philippines and the EU (formerly the European Economic Community (EEC)) established on 12 May 1964 with the appointment of the Philippine Ambassador to the EEC,
- having regard to the status of the Philippines as a founding member of the Association of Southeast Asian Nations (ASEAN),
- having regard to the statement of 28 February 2017 by the International Commission of Jurists,
- having regard to the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and the Republic of the Philippines, of the other part,
- having regard to the EU Guidelines on Human Rights,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the Philippines and the EU have longstanding diplomatic, economic, cultural and political relations;

B. whereas on 23 February 2017, an arrest warrant was issued against Senator Leila M. De Lima of the Philippines from the opposition Liberal Party on charges of alleged drug-related offences; whereas on 24 February 2017 Senator De Lima was arrested and detained; whereas, if convicted, Senator De Lima could face a sentence from 12 years up to life in prison and be expelled from the Senate;

C. whereas there are serious concerns that the offences Senator De Lima has been charged with are almost entirely fabricated; whereas Amnesty International regards Senator De Lima as a prisoner of conscience;

D. whereas Senator De Lima is a human rights advocate and the highest profile critic of Philippine President Rodrigo Duterte's anti-drug campaign; whereas she has openly condemned the Philippine Drug War; whereas Senator De Lima was the Chair of the Philippine's Human Rights Commission; whereas there are serious concerns for the safety of Senator De Lima; whereas there are numerous claims of torture in places of detention that are not giving rise to inquiries;

⁽¹⁾ Texts adopted, P8_TA(2016)0349.

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- E. whereas on 19 September 2016, Senator De Lima was removed from her position as chairperson of the Senate Committee on Justice and Human Rights; whereas during her time as head of the Commission on Human Rights, Senator De Lima led the investigation into the alleged extrajudicial killings of an estimated 1 000 or more drug suspects in Davao, while President Duterte was mayor of the city; whereas following the hearings, Senator De Lima was exposed to a torrent of harassment and intimidation from the authorities, and these attacks have intensified over the last eight months;
 - F. whereas on 2 March 2017, Human Rights Watch released its report 'License to Kill: Philippine Police Killings in Duterte's 'War on Drugs', which documented extrajudicial killings related to the anti-drug campaign;
 - G. whereas over 7 000 drug-related killings by the police and vigilantes have been reported since President Duterte took office on 30 June 2016; whereas President Duterte has vowed to continue his anti-drug campaign until the end of the presidential term in 2022;
 - H. whereas in response to the killing of officers by insurgents from the Communist New People's Army (NPA) in the southern Philippines on 8 March 2017, President Duterte ordered the army to undertake counterinsurgency operations with disregard for collateral damage;
 - I. whereas on 30 January 2017, the Philippine National Police temporarily suspended anti-drug operations by the police following a brutal, alleged anti-drug killing; whereas President Duterte ordered the Armed Forces of the Philippines (AFP) to fill this gap in the anti-drug campaign;
 - J. whereas human rights defenders, activists and journalists in the Philippines, including Senator De Lima face regular threats, harassment, intimidation and cyber bullying; whereas those violating the rights of these groups are not being held to account owing to the fact that proper investigations are not being conducted; whereas in November 2016, President Duterte openly threatened to kill human rights defenders;
 - K. whereas on 7 March 2017, the House of Representatives approved House Bill 4727 to reinstate the death penalty for serious drug-related crimes; whereas the Philippines was the first country in the region to have abolished the death penalty in 2007; whereas the reintroduction of the death penalty would be in clear violation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is party as of 2007; whereas legislation on lowering the minimum age for criminal responsibility from 15 years to 9 years is currently being considered by the administration of President Duterte;
 - L. whereas in September 2016, the Philippines resumed chairmanship of ASEAN for 2017;
- 1. Calls for the immediate release of Senator Leila M. De Lima and for her to be provided with adequate security whilst in detention; calls on the authorities of the Philippines to ensure a fair trial, recalling the right to the presumption of innocence, to drop all politically motivated charges against her and to end any further acts of harassment against her;
 - 2. Understands, that in the Philippines, millions of people are negatively affected by the high levels of drug addiction and its consequences; strongly condemns drug trafficking and drug abuse in the Philippines; calls on the Government to prioritise the fight against trafficking networks and drug barons over tracking down small-scale consumers; stresses that this fight must go hand in hand concomitantly with measures for prevention and detoxification; encourages the Government in its efforts to open new detoxification centres;
 - 3. Strongly condemns the high number of extrajudicial killings by the armed forces and vigilante groups related to the anti-drug campaign; expresses its condolences to the families of the victims; expresses grave concern over credible reports to the effect that the Philippine police force is falsifying evidence to justify extrajudicial killings, and that overwhelmingly the urban poor are those being targeted; calls on the authorities of the Philippines to immediately carry out impartial and

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meaningful investigations into these extrajudicial killings and to prosecute and bring all perpetrators to justice; calls on the EU to support such investigations; calls on the authorities of the Philippines to adopt all necessary measures to prevent further killings;

4. Expresses grave concern with regard to the rhetoric of President Duterte in response to the killing of officers on 8 March 2017 and strongly urges the Philippine authorities and military to strictly adhere to international humanitarian law which places specific strictures on all parties to an armed conflict to spare civilians and non-combatants;

5. Calls for the EU to support the establishment at the UN Human Rights Council of an independent international investigation into unlawful killings and other violations by the Philippines in the context of President Duterte's 'war on drugs';

6. Is deeply alarmed by the decision of the House of Representatives to reintroduce the death penalty; calls on the authorities of the Philippines to immediately halt ongoing proceedings to reinstate the death penalty; recalls that the EU considers capital punishment to be a cruel and inhuman punishment, which fails to act as a deterrent to criminal behaviour; calls on the Philippine Government to refrain from lowering the minimum age for criminal responsibility;

7. Calls for the EU to closely monitor the case against Senator De Lima;

8. Urges the EU to use all available instruments to assist the Government of the Philippines in upholding its international human rights obligations, notably through the Framework Agreement;

9. Urges the Commission to use all available instruments to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign including, in the absence of any substantive improvements in the next few months, procedural steps with a view to the possible removal of GSP+ preferences;

10. Instructs its President to forward this resolution to the Government and Parliament of the Philippines, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.

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P8_TA(2017)0089

EU priorities for the UN Human Rights Council sessions in 2017

European Parliament resolution of 16 March 2017 on EU priorities for the UN Human Rights Council sessions in 2017 (2017/2598(RSP))

(2018/C 263/17)

The European Parliament,

- having regard to the Charter of the United Nations,
 - having regard to the Universal Declaration of Human Rights and to the UN human rights conventions and optional protocols thereto,
 - having regard to United Nations General Assembly Resolution 60/251 establishing the Human Rights Council (UNHRC),
 - having regard to the European Convention on Human Rights, the European Social Charter and the Charter of Fundamental Rights of the European Union,
 - having regard to its previous resolutions on the United Nations Human Rights Council sessions,
 - having regard to its recommendation to the Council of 7 July 2016 on the 71st session of the United Nations General Assembly ⁽¹⁾,
 - having regard to its previous resolutions on the violation of human rights, including its urgency resolutions of 2016 on Ethiopia, North Korea, India, Crimea, Hong Kong, Kazakhstan, Egypt, the Democratic Republic of the Congo, Pakistan, Honduras, Nigeria, Gambia, Djibouti, Cambodia, Tajikistan, Vietnam, Malawi, Bahrain, Myanmar, the Philippines, Somalia, Zimbabwe, Rwanda, Sudan, Thailand, China, Brazil, Russia, Tibet, Iraq, Indonesia, the Central African Republic, Burundi, Nicaragua, Kuwait and Guatemala,
 - having regard to its resolution of 14 December 2016 on the Annual Report on human rights and democracy in the world and the European Union's policy on the matter 2015 ⁽²⁾,
 - having regard to Articles 2, 3(5), 18, 21, 27 and 47 of the Treaty on European Union,
 - having regard to the 2015 annual report of the UNHRC to the UN General Assembly,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the promotion and safeguarding of the universality of human rights is part of the European Union's ethical and legal *acquis* and one of the cornerstones of European unity and integrity; whereas respect for human rights should be mainstreamed in all EU policy areas;
- B. whereas the EU is strongly committed to multilateralism and to the UN bodies as regards the promotion and protection of human rights;

⁽¹⁾ Texts adopted, P8_TA(2016)0317.

⁽²⁾ Texts adopted, P8_TA(2016)0502.

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- C. whereas the regular sessions of the UNHRC, the appointment of Special Rapporteurs, the Universal Periodic Review (UPR) mechanism and the Special Procedures addressing either country-specific situations or thematic issues all contribute to the promotion of and respect for human rights, democracy and the rule of law;

UN Human Rights Council

1. Welcomes the work done by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein and his Office (OHCHR); recalls the EU commitment to continue to support and defend its integrity, independence and functioning; welcomes the role played by the OHCHR in advancing cooperation between international and regional human rights mechanisms and identifying ways to increase the role of 'regional arrangements' in relation to universal human rights standards;
2. Takes the view that the UNHRC's effectiveness and credibility depend on its members' genuine commitment to protect all persons in all countries from any human rights violations, in accordance with the international human rights conventions promoting universality, impartiality, objectivity, non-selectivity, constructive dialogue and cooperation; urges the need to avoid the polarisation of debate in the UNHRC and encourages constructive dialogue;
3. Calls on states to grant access to the UNHRC's independent experts, Special Rapporteurs and OHCHR experts to investigate alleged human rights violations and to engage in a constructive way in order to redress the situation, to honour their commitments to the human rights conventions and to offer their full cooperation with the UNHRC Special Procedures;
4. Encourages all states to take concrete steps to act on the UPR recommendations and to overcome shortcomings by putting in place an implementation and follow-up mechanism, including the establishment of national plans of action and national coordination mechanisms;
5. Recalls the UN General Assembly's obligation, when electing the membership of the UNHRC, to take into account candidates' respect for the promotion and protection of human rights, the rule of law and democracy; welcomes the UNHRC decision requesting that the UNHRC Advisory Committee prepare an assessment report on the progress made in the establishment of regional and sub-regional arrangements for the promotion and protection of human rights; calls for the EU and its Member States to reflect the equal importance of rights in their voting patterns and to improve the coordination of EU positions in this sense; strongly requests that the EU speak with one voice and reach a common EU stance when voting in the UNHRC;
6. Reiterates the importance of ensuring that the EU engages actively and consistently with UN human rights mechanisms, in particular with the Third Committee, the General Assembly and the UNHRC, in order to improve its credibility; supports efforts made by the European Union External Action Service (EEAS), the EU Delegations in New York and Geneva and the Member States further to increase EU coherence on human rights issues at the UN;

Thematic priorities

7. Underscores the importance of the role of human rights NGOs and defenders in the promotion and protection of human rights; highlights the fact that human rights and fundamental freedoms need to be protected in every dimension of their expression, including in the context of new technologies; shares the UNHRC's concerns regarding reports of threats and reprisals against members of civil society organisations and NGOs that have cooperated with the UNHRC in the UPR process;
8. Expresses its serious concern at the numerous, ever-increasing attempts to shrink the space of civil society and human rights defenders, including through the introduction of counter-terrorism laws; condemns any act of violence, harassment, intimidation or persecution against human rights defenders, whistle-blowers, journalists or bloggers, whether online or offline; calls on all states to promote and ensure a safe and enabling environment for NGOs, civil society, journalists, and human rights defenders, including a particular focus on all vulnerable groups, to operate in, independently and without

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interference; renews its call for those states that have adopted restrictive laws against independent human rights organisations to lift them;

9. Believes that free, independent and impartial media constitute one of the essential foundations of a democratic society, in which open debates play a crucial role; supports the plea for the appointment of a Special Representative to the UN Secretary-General for the safety of journalists; calls for the issues of freedom of expression online, digital freedoms and the importance of a free and open internet to be raised in all international fora; calls for the digital divide to be narrowed and for unrestricted access to information and communication, as well as uncensored access to the internet;

10. Recalls that the right to freedom of association and assembly continues to be a major challenge; warmly welcomes the work of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai; calls on all states to take the reports into due consideration;

11. Urge all states to swiftly ratify the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR) and to the International Covenant of Economic Social and Cultural Rights (ICESCR) establishing complaint and inquiry mechanisms;

12. Opposes any kind of discrimination and persecution on any ground or status such as race, colour, language, religion and belief, gender identity and sexual orientation, social origin, caste, birth, age or disability; supports the EU engagement with the relevant special procedures, including the new Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; calls for the EU to actively continue to promote equality and non-discrimination and to fight against violence and discrimination against all individuals;

13. Expresses its concern that many people, individually or collectively, suffer violations of their right to freedom of religion or belief, committed by states and non-state actors, leading to discrimination, inequality and stigmatisation; recalls the need to fight against intolerance and discrimination based on religion or belief in order to ensure respect for other interdependent human rights such as freedom of expression;

14. Calls for the EU to work on ensuring greater protection of religious and ethnic minorities against persecution and violence and on repealing laws criminalising blasphemy or apostasy serving as a pretext for the persecution of religious and ethnic minorities and non-believers; calls for the work of the Special Rapporteur on freedom of religion or belief to be supported;

15. Strongly requests that the EU continue to advocate zero tolerance for the death penalty and to further seek to reinforce cross-regional support for the next UN General Assembly resolution on a moratorium on the death penalty; welcomes the decision taken in 2015 by the Republic of Congo, Fiji and Madagascar to abolish the death penalty for all crimes; deplores the resumption of executions in a number of countries, including Bangladesh, Bahrain, Belarus, Chad, India, Indonesia, Kuwait, Oman and South Sudan; further deplores the reported rise in the number of death sentences handed down in particular in China, Egypt, Iran, Nigeria, Pakistan and Saudi Arabia; reminds the authorities of these countries that they are states parties to the Convention on the Rights of the Child, which strictly prohibits the death penalty for crimes committed by anyone below the age of 18;

16. Urges the EU to speak out in support of the UN's work against torture and other cruel, inhumane and degrading treatment or punishment, mass executions and other executions, including for drug-related offences, and requests that the EEAS step up, at all levels of dialogue and in all fora, the EU's efforts in the fight against summary executions, torture and other ill-treatment, in line with the Guidelines to EU Policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment; calls for the universal ratification and effective implementation of the UN Convention against Torture and the Optional Protocol thereto; stresses the critical importance of supporting the prevention of torture, including through the strengthening of the National Preventive Mechanisms established under the Optional Protocol, and continued support for the rehabilitation of torture victims;

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17. Expresses its serious concern at the persistence of grave human rights violations and abuses worldwide; staunchly supports the International Criminal Court (ICC) as a key institution for holding perpetrators to account and assisting victims in achieving justice based on the principle of complementarity with regard to genocide, crimes against humanity and war crimes; requests that all parties provide political, diplomatic, financial and logistical support for the day-to-day operation of the ICC;

18. Calls for the EU to continue to strengthen the work of the ICC; encourages strong dialogue and cooperation between the Court, the UN and its agencies, and the United Nations Security Council (UNSC); calls on all UN member states to join the Court by ratifying the Rome Statute and to encourage ratification of the Kampala amendments;

19. Condemns in the strongest possible terms the ongoing serious human rights violations, particularly those caused by ISIS/Daesh and the attacks by Boko Haram targeting children, as well as all other attacks by terrorist or paramilitary organisations against civilians, particularly women and children; denounces the frequency and scale of acts of destruction of cultural heritage, and calls for support for relevant efforts undertaken in various UN fora;

20. Condemns the lack of respect for international humanitarian law, and expresses its grave concern about the increasing rate of civilian damage in armed conflicts around the world and about deadly attacks against hospitals, schools, humanitarian convoys and other civilian targets; insists that such violations be duly taken into account in UNHRC country-specific dealings and relevant reviews under the UPR mechanism;

21. Calls for the EU to work actively towards an initiative on UN recognition of the genocide against ethnic and religious minorities committed by so-called ISIS/Daesh and for referral to the ICC of cases of suspected crimes against humanity, war crimes and genocide; encourages strong dialogue and cooperation between the Court, the UN and its agencies, and the UN Security Council;

22. Calls for the EU to encourage all states to place human rights at the centre of their respective development policies and to implement the 1986 UN Declaration on the Right to Development; welcomes the recent appointment by the UNHRC of a Special Rapporteur on the right to development, whose mandate includes contributing to the promotion, protection and fulfilment of the right to development in the context of the 2030 Agenda for Sustainable Development and other international development cooperation agreements; highlights that human rights for all must be a cross-cutting feature in the achievement of all goals and targets of the 2030 Agenda;

23. Calls for the EU to continue to promote equality between women and men and to actively support the work of UN Women and gender mainstreaming initiatives in its activities and programmes; calls for continued support measures strengthening the empowerment of women and girls and the eradication of all violence and discrimination against women and girls, including gender-based violence; strongly requests that the EU seek cross-regional initiatives for the promotion, protection and fulfilment of women's rights and the full and effective implementation of both the Beijing Platform for Action and the ICPD Programme of Action, and that it remains committed to sexual and reproductive rights in this context;

24. Recalls the EU's commitment to mainstream human rights and gender aspects in line with the landmark UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security; calls for the EU to support internationally the recognition of the added value of women's participation in the prevention and resolution of conflicts, peacekeeping operations, humanitarian assistance and post-conflict reconstruction and sustainable reconciliation;

25. Calls for the EU to continue to promote children's rights, in particular by contributing to ensuring children's access to water, sanitation, healthcare and education, including in conflict zones and refugee camps, and by eliminating child labour, recruitment of child soldiers, deprivation of liberty, torture, trafficking, child, early and forced marriage, sexual exploitation and harmful practices such as female genital mutilation; calls for measures to support and strengthen international efforts through the UN to end the use of children in armed conflict, and to address more effectively the impact

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of conflict and post-conflict situations on women and girls; calls on all UN member states to uphold their treaty obligations and commitments under the Convention on the Rights of the Child, adopted in 1989, in order to uphold the rights of all children under their jurisdiction irrespective of their legal status, and without discrimination of any kind;

26. Calls on states to promote the rights of persons with disabilities, including their equal participation and social inclusion; calls on all states to ratify and implement the UN Convention on Persons with Disabilities;

27. Calls for the EU to work with partners on the implementation of the UN Guiding Principles on Business and Human Rights, including steps to encourage more states to adopt national action plans and engage in the work streams of the UN working groups and the OHCHR; renews its call for all states, including the EU, to be actively and constructively engaged in formulating, as soon as possible, a legally binding instrument that regulates, in international human rights law, the activities of transnational corporations and other business enterprises in order to prevent, investigate, redress and provide access to remedy to human rights violations whenever these occur;

28. Welcomes the UN's New York Declaration for Refugees and Migrants, which addressed the issue of large movements of refugees and migrants and led to the adoption of a global compact on a comprehensive refugee response (CRR) framework and the commitment that applies to migrants and refugees, and is aimed at saving lives, addressing specific needs, countering racism and xenophobia, combating human trafficking, ensuring equal recognition and protection before the law and ensuring inclusion in national development plans; calls on all the parties involved to ensure political engagement, funding and concrete acts of solidarity in support of the New York Declaration for Refugees and Migrants, and recalls that the question of migration should continue to be examined at a global scale and not only at European level; calls for the EU and its Member States to take the lead in these international efforts, and to uphold, in accordance with their obligations under international law, their commitments to protect the human rights of asylum seekers, refugees, migrants and all displaced persons, in particular women, children and vulnerable groups, including persons with disabilities;

29. Recalls that the return of migrants should only be carried out in full respect of their rights and only when the protection of their rights is guaranteed in their respective countries; calls on governments to put an end to the arbitrary arrest and detention of migrants, including minors; calls on all states to take concrete measures in the best interests of child refugees and migrants that are based on the Convention on the Rights of the Child, and to introduce measures to strengthen child protection systems, including the training of social workers and other professional groups and working with NGOs; calls on all states to ratify and implement the International Convention on the Rights of All Migrant Workers and Members of their Families;

30. Underlines the importance of promoting the universality and indivisibility of human rights, including civil, political, economic, social and cultural rights, in accordance with Article 21 of the Lisbon Treaty and the General Provisions on the Union's External Action;

31. Underlines the need to adopt a rights-based approach and to integrate respect for human rights into all EU policies, including those on trade, investment, public services, development cooperation and migration, and into its common security and defence policies;

32. Recalls the fact that internal and external coherence in the area of human rights is essential for the credibility of the EU's human rights policy in its relations with third countries, and calls for the EU to fulfil its commitments in this regard;

Belarus

33. Expresses its deep concern at the continued restrictions on freedom of expression and freedom of association and peaceful assembly; condemns the harassment and detention of independent and opposition journalists and human rights activists; condemns the continued use of the death penalty; calls for the renewal of the UN Special Rapporteur's mandate on the human rights situation in Belarus at the 35th Session of the Council, and calls on the government to cooperate fully

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with the Special Rapporteur and commit to engagement in long-overdue reforms to protect human rights, including by implementing the recommendations made by the Special Rapporteur and other human rights mechanisms;

Burundi

34. Expresses its deepest concern at the worsening political and security situation in Burundi and the growing number of people fleeing the country; condemns the violence that has been occurring in Burundi since 2015 and that has led to deaths, torture and targeted violence against women, including collective rapes and harassment; condemns the imprisonment of thousands of people, the forced displacement of hundreds of thousands of Burundians, and violations of freedom of the press and of expression, as well as the prevalence of impunity regarding such acts; supports the decision by the EU Council, after the failure of the discussions launched under Article 96 of the Cotonou Agreement, to suspend direct financial support to the Burundian administration, including budgetary support, but to maintain full financial support for the population and humanitarian aid through direct channels; fully supports the establishment of a Commission of Inquiry on Burundi to identify alleged perpetrators of human rights violations and abuses in the country with a view to ensuring full accountability; calls for the EU and its Member States to use their leverage to ensure that Burundi starts to cooperate fully with the Commission of Inquiry (COI) and with the Council and its mechanisms, engages constructively with the COI and addresses the serious human rights concerns; calls on the Burundian authorities to reconsider their decision to withdraw from the ICC;

Democratic People's Republic of Korea (DPRK)

35. Expresses its deep concern over the persisting deterioration of the human rights situation in the DPRK; calls on the Government of the DPRK to fulfil its obligations under the human rights instruments to which it is a party, and to ensure that humanitarian organisations, independent human rights monitors and the UN Special Rapporteur on the situation of human rights in the DPRK have access to the country and are provided with the necessary cooperation; calls on the DPRK to allow freedom of expression and press freedom for national and international media, and to allow its citizens uncensored access to the internet; strongly condemns the systematic use of the death penalty in the DPRK on a large scale; calls on the Government of the DPRK to declare a moratorium on all executions, with a view to abolishing the death penalty in the near future; demands that those responsible for the crimes against humanity committed in the DPRK be held accountable, brought before the ICC and subjected to targeted sanctions; strongly condemns the nuclear tests as an unnecessary and dangerous provocation as well as a violation of the UN Security Council resolutions and a serious threat to the peace and stability in the Korean peninsula and the north-east Asian region; requests the renewal of the mandate of the Special Rapporteur; requests the presentation of the report of the group of experts to the UN General Assembly and Security Council; recommends incorporating in the resolution the key recommendations on accountability from the experts' report, including strengthening the capacity of the Seoul Office with investigative and prosecutorial expertise, as well as appointing a criminal justice expert to advance the steps towards accountability;

Democratic Republic of the Congo (DRC)

36. Condemns the serious human rights violations being committed with complete impunity by the security forces and calls on those responsible to be held accountable; calls especially for a thorough investigation into the brutal violence against civilians in East Congo, including the rape of women and the enslavement of children; calls for a possible extension of the mandate of the UN Peacekeeping Force in East Congo; calls on the Council to consider extending the existing restrictive measures such as EU targeted sanctions, including travel bans and asset freezes on those responsible for the violent crackdown and for undermining the democratic process in the DRC, in the event of further violence, as provided for in the Cotonou Agreement; urges the DRC authorities to implement the agreement reached in December 2016 and to hold elections by December 2017 with the support of international actors; calls on the UNHRC to maintain its scrutiny of the DRC until elections are held and a democratic transition takes place, and encourages the High Commissioner's Office to inform the Council about the situation in the DRC when appropriate, and to take stronger action if required;

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The Georgian regions of Abkhazia and the Tskhinvali region/South Ossetia

37. Remains concerned about freedom of expression, freedom of media and the lack of access to the regions of Abkhazia and the Tskhinvali region/South Ossetia, which are illegally occupied by Russia and in which human rights violations remain widespread; urges the strengthening of people-to-people contact between the Tbilisi-controlled territory and the two occupied regions; calls for the sovereignty and territorial integrity of Georgia to be fully respected, as well as the inviolability of its internationally recognised borders; stresses the need for the safe and dignified return of refugees and internally displaced persons (IDPs) to their place of permanent residence; calls on the Georgian Government to take appropriate measures with a view to ensuring a follow-up and implementation of the UPR recommendations;

Myanmar/Burma

38. Is extremely concerned about the reports of violent clashes in northern Rakhine State and deplores the loss of lives, livelihoods and shelter and the reported disproportionate use of force by the armed forces of Myanmar/Burma; urges the military and security forces to put an immediate stop to the killings, harassment and rapes committed against the Rohingya people, and the burning of their homes; insists that the Government of Myanmar/Burma and the civil authorities of Myanmar/Burma immediately end the discrimination and segregation of the Rohingya minority; calls for the rights of the Rohingya people to be safeguarded and for the safety, security and equality of all citizens of Myanmar/Burma to be guaranteed; welcomes the decision of the Government of Myanmar/Burma to make peace and national reconciliation a key priority; welcomes the announcement by the Government of Myanmar/Burma of the establishment of a Commission of Inquiry into the recent violence in Rakhine state; underlines the need to prosecute those responsible appropriately, and to provide adequate redress for victims of violations; calls on the Government of Myanmar/Burma to continue the process of democratisation and to respect the rule of law, freedom of speech and fundamental human rights; calls for the EU and its Member States to support a renewed mandate of the Special Rapporteur on Myanmar/Burma;

Occupied Palestinian Territories (OPT)

39. Is deeply concerned about the persisting stalemate in the Middle East peace process, and calls for the resumption of credible peace efforts without delay; is concerned about the humanitarian situation and human rights violations in the Occupied Palestinian Territories, as referred to in its resolution of 10 September 2015 on the EU's role in the Middle East Peace Process⁽¹⁾; stresses the need for the continued engagement of the EU and its Member States in monitoring the implementation of the UNHRC resolutions on violations and abuses, such as the resolution of 3 July 2015 on 'ensuring accountability and justice for all violations of International Law in the occupied Palestinian Territory including East Jerusalem'; notes the ongoing ICC preliminary investigation; reiterates its full support to the ICC and the international criminal justice system; recalls in this context the UN Guiding Principles on Business and Human Rights⁽²⁾, and calls on the EEAS to report back to Parliament on the destruction of, and damage caused to, EU-funded structures and projects; stresses that all sides must continue to respect the ceasefire in Gaza, and calls for an end to the blockade; calls on both Israelis and Palestinians to avoid steps which could spark further escalation, including hate speech and incitement in the public arena, as well as unilateral measures which could prejudice the outcome of negotiations and threaten the viability of the two-state solution; underlines the fact that any lasting solution to the conflict can only be achieved in a regional context with the involvement of all relevant regional stakeholders and the support of the international community;

South Sudan

40. Calls on all parties to refrain from committing human rights violations and violations of international humanitarian law, including those amounting to international crimes, such as extrajudicial killings, ethnically targeted violence, conflict-related sexual violence, including rape, as well as gender-based violence, recruitment and use of children, enforced disappearances and arbitrary arrests and detention; notes that the Government of South Sudan signed the Roadmap Agreement on 16 March 2016, and has subsequently clarified its commitments on the inclusion of other relevant stakeholders in the National Dialogue and on continuing to uphold any decisions reached between the opposition signatories and the 7+7 Mechanism, the steering committee of the National Dialogue; insists on the need for all parties to

⁽¹⁾ Texts adopted, P8_TA(2015)0318.

⁽²⁾ <http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf>

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respect their commitment and calls for a continued dialogue towards the establishment of a definitive ceasefire; calls for the EU and its Member States to further commit to supporting the efforts of the African Union to bring peace to South Sudan and the Sudanese people in their transition to an internally reformed democracy; calls for the EU and its Member States to renew the mandate of the Commission on Human Rights in South Sudan, and to strengthen its role with a view to investigating human rights abuses and mapping sexual violence; supports the integration of its recommendations into a report to be forwarded to the UN General Assembly and Security Council;

Syria

41. Condemns in the strongest terms the atrocities and widespread violations of human rights and international humanitarian law committed by the forces of the Assad regime with the support of Russia and Iran, as well as the human rights abuses and violations of international humanitarian law perpetrated by state and non-state actors, including armed terrorist groups, in particular ISIS/Daesh, whose crimes amount to genocide, Jabhat Fateh al-Sham/Al-Nusra Front, and other jihadist groups; insists on the need to continue investigating the use and destruction of chemical weapons by all sides in Syria, and regrets the decision of Russia and China to block a new UNSC resolution on the use of chemical weapons; reiterates its call for full unhindered humanitarian access, and consequences and accountability for those guilty of committing war crimes and crimes against humanity; supports the EU initiative for referral of the situation in Syria to the ICC and calls on the UN Security Council to take action in this respect; supports the mandate of the COI to conduct a special investigation into Aleppo which should be reported back on no later than at the UNHRC's 34rd session in March and requests that the report be presented to the General Assembly and the Security Council;

Ukraine

42. Deplores the fact that ongoing Russian aggression has caused a dire humanitarian situation in the Donbas and that Ukrainian and international humanitarian organisations are being refused access to the occupied regions; expresses its deep concern over the challenging humanitarian conditions faced by more than 1,5 million internally displaced persons; expresses its deepest concern at the continued conflict-related sexual violence; is deeply concerned at the human rights violations in Crimea, notably of the Crimean Tatars; stresses the need for further EU financial assistance for Ukraine; reconfirms its full commitment to the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders and to its free and sovereign choice to pursue a European path; calls on all parties to immediately pursue the peaceful reintegration of the occupied Crimean peninsula into the Ukrainian legal system through political dialogue and in full compliance with international law; calls on the EEAS and the Council to strengthen pressure on the Russian Federation to allow international organisations to access 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 with a view to establishing permanent international monitoring and convention-based mechanisms; calls furthermore for full implementation of the Minsk Agreement, and in this regard supports the prolongation of sanctions against Russia until Crimea is returned; recalls that all parties to the conflict are obliged to take all feasible measures to protect the civilian population under their control from the effects of hostilities; supports and encourages the Interactive Dialogue due in HRC 34;

Yemen

43. Is extremely concerned about the catastrophic humanitarian situation in Yemen; reaffirms its commitment to continued support for Yemen and the Yemeni people; condemns the fact that civilians are being targeted and caught up in an intolerable situation between warring parties that are violating international humanitarian law and international human rights law; stresses that the recruitment and use of children in armed conflict is strictly forbidden under international human rights law and international humanitarian law and may amount to a war crime in cases of children under fifteen being recruited; calls on all parties to immediately release such children and to refrain from recruiting them; urges all parties to ease the tensions and establish an immediate and stable ceasefire that will lead to a political, inclusive and negotiated solution to the conflict; in this context, fully supports the efforts by the UN Special Envoy for Yemen, Ismail Ould Cheikh Ahmed, as well as the implementation of Human Rights Council resolution 33/16 of October 2016, which requests the UN

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to work with the national independent commission of inquiry, and supports all efforts for an independent international investigation to break the climate of impunity in Yemen; calls on the EU Member States to support the ongoing efforts expressing concern at violations and abuses in Yemen and calling for these to be thoroughly and impartially investigated; encourages use of the intersessional briefing format by the High Commissioner in order to keep the HRC regularly informed about the results of its investigations;

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44. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative on Human Rights, the governments and parliaments of the EU Member States, the UN Security Council, the UN Secretary-General, the President of the 71st UN General Assembly, the President of the UN Human Rights Council, the UN High Commissioner for Human Rights and the Secretary-General of the Parliamentary Assembly of the Council of Europe.

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P8_TA(2017)0092

Constitutional, legal and institutional implications of a Common Security and Defence Policy: possibilities offered by the Lisbon Treaty**European Parliament resolution of 16 March 2017 on constitutional, legal and institutional implications of a common security and defence policy: possibilities offered by the Lisbon Treaty (2015/2343(INI))**

(2018/C 263/18)

The European Parliament,

- having regard to the Treaty of Lisbon,
- having regard to Title V of the Treaty on European Union (TEU),
- having regard to Article 36 TEU on the role of the European Parliament in the common foreign, security and defence policies,
- having regard to Articles 42(2), 42(3), 42(6), 42(7), 45 and 46 TEU on the progressive framing of a common defence policy,
- having regard to Protocol No 1 to the Treaties on the role of National Parliaments in the European Union,
- having regard to Protocol No 2 to the Treaties on the application of the principles of subsidiarity and proportionality,
- having regard to the European Council conclusions of 20 December 2013, 26 June 2015 and 15 December 2016,
- having regard to the Council conclusions on the Common Security and Defence Policy of 25 November 2013, 18 November 2014, 18 May 2015, 27 June 2016 and 14 November 2016,
- having regard to its resolution of 13 April 2016 on the EU in a changing global environment — a more connected, contested and complex world ⁽¹⁾,
- having regard to its resolution of 22 November 2012 on the EU's mutual defence and solidarity clauses: political and operational dimensions ⁽²⁾,
- having regard to its resolution of 22 November 2016 on the European Defence Union ⁽³⁾,
- having regard to its resolution of 21 January 2016 on the mutual defence clause (Article 42(7) TEU) ⁽⁴⁾,
- having regard to its resolution of 23 November 2016 on the implementation of the Common Security and Defence Policy ⁽⁵⁾,

⁽¹⁾ Texts adopted, P8_TA(2016)0120.

⁽²⁾ OJ C 419, 16.12.2015, p. 138.

⁽³⁾ Texts adopted, P8_TA(2016)0435.

⁽⁴⁾ Texts adopted, P8_TA(2016)0019.

⁽⁵⁾ Texts adopted, P8_TA(2016)0440.

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- having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty ⁽¹⁾
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾ ('the Financial Regulation'),
- having regard to Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency ⁽³⁾,
- having regard to Council Decision 2001/78/CFSP of 22 January 2001 setting up the Political and Security Committee ⁽⁴⁾,
- having regard to the final conclusions of the interparliamentary conferences on the common foreign and security policy (CFSP) and the common security and defence policy (CSDP) of The Hague of 8 April 2016, of Luxembourg of 6 September 2015, of Riga of 6 March 2015, of Rome of 7 November 2014, of Athens of 4 April 2014, of Vilnius of 6 September 2013, of Dublin of 25 March 2013 and of Paphos of 10 September 2012,
- having regard to the document entitled 'Shared Vision, Common Action: A Stronger Europe — A Global Strategy for the European Union's Foreign and Security Policy' presented by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on 28 June 2016,
- having regard to the North Atlantic Treaty, signed in Washington, D.C. on 4 April 1949,
- having regard to the document entitled 'Implementation Plan on Security and Defence' presented by the VP/HR on 14 November 2016,
- having regard to the progress report of 7 July 2014 by the VP/HR and Head of the European Defence Agency on the implementation of the European Council conclusions of December 2013,
- having regard to the joint declaration of 8 July 2016 by the Presidents of the European Council and the Commission and the Secretary-General of NATO,
- having regard to the result of the UK referendum of 23 June 2016,
- having regard to the results of the Special Eurobarometer of the European Parliament conducted in the 28 Member States of the European Union from 9 to 18 April 2016,
- having regard to the communication from the Commission of 30 November 2016 to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Defence Action Plan (COM(2016)0950),
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on Constitutional Affairs under Rule 55 of the Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the Committee on Constitutional Affairs and the opinion of the Committee on Budgets (A8-0042/2017),

⁽¹⁾ Texts adopted, P8_TA(2017)0049.

⁽²⁾ OJ L 298, 26.10.2012, p. 1.

⁽³⁾ OJ L 266, 13.10.2015, p. 55.

⁽⁴⁾ OJ L 27, 30.1.2001, p. 1.

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- A. whereas the European Union is resolved to frame a common defence policy leading to a common defence, which reinforces its unity, strategic autonomy and integration in order to promote peace, security and stability in Europe's neighbourhood and in the world; whereas a common defence requires a unanimous decision by the European Council and the adoption of such decision by the Member States in accordance with their constitutional requirements;
- B. whereas the emergence of new geopolitical and geostrategic circumstances — with the predominance of the Asian region over the Euro-Atlantic one — and of new players, as well as the emergence of genuine new threats and fields of activity, demonstrate that the states cannot face up to new risks alone, and that a joint response is needed;
- C. whereas the cost of non-Europe in security and defence is estimated to be more than EUR 100 billion per year, and whereas the EU's level of efficiency is equivalent to 10-15 % of that of the United States;
- D. whereas a globally deteriorating environment has highlighted the importance of improving cooperation and the exchange of information and best practices among the Member States, as well as the need for a major increase in EU military spending via a source of own-resources set aside for that purpose;
- E. whereas the objective of military and defence integration goes back to the founding fathers, whose chief objective was to establish a legitimate collective defence mechanism and maintain peace on the continent of Europe;
- F. whereas the TEU clearly defines in its Articles 21(1) and (2) and 42 the principles and objectives in the area of the CFSP and CSDP, as well as the mechanisms and framework for their achievement; whereas very limited progress has been achieved in the fulfilment of these objectives, despite the many calls and proposals for implementation by Parliament and the Commission;
- G. whereas the development of the CSDP requires above all political will from the Member States, based on shared values and principles, as well as common interests and priorities, as well as the setting-up of institutional cooperation structures; whereas the CSDP should be an effective, structured common policy that generates an added value, and not a mere sum of the national policies of the Member States or their lowest common denominator;
- H. whereas France's activation of Article 42(7) TEU in November 2015 demonstrated the potential of all the Treaty provisions relating to security and defence;
- I. whereas the EU has, according to Article 42(2) TEU and Article 2(4) of the Treaty on the functioning of the European Union, competence to define and implement a common security and defence policy that includes the progressive framing of a common Union defence policy; whereas the Union should use this competence to improve coordination and efficiency, and to supplement the actions of the Member States, without thereby prejudicing or superseding their competence in defence;
- J. whereas there are European multinational structures which are examples of good practices and cooperation amongst Member States for years, such as Eurocorps; whereas these structures could be a point of departure for moving towards a common Union defence policy;
- K. whereas EU citizens expect more EU action in defence and security; whereas, according to Eurobarometer 85.1 of June 2016, two thirds of EU citizens surveyed would like to see more EU engagement through Member States' commitment in matters of security and defence policy;
- L. whereas there is a need to establish a defence culture that helps ensure that EU citizens have a clear idea of the role that defence plays in our society and the contribution it makes to stability, peacekeeping and boosting international security;
- M. whereas actions must be taken to increase the operability and effectiveness of European security policy so that it can bring about a real improvement in Europe's security;

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- N. whereas the European Council should establish the European Defence Union without delay, as advocated by Parliament, as well as the Union's common defence; whereas the Member States should adopt the decision on common defence in accordance with their respective constitutional requirements;
- O. whereas EU defence policy should enhance Europe's ability to reinforce security both within and outside the EU, and should consolidate the partnership with NATO and strengthen transatlantic relations, thereby helping to strengthen NATO as well;
- P. whereas Parliament actively supports the European Defence Union and will continue to make appropriate proposals to that end; whereas the interparliamentary conference on the CFSP and CSDP should become the forum for the implementation of effective and regular interparliamentary cooperation on the CSDP and the progressive framing of a common Union defence policy;
- Q. whereas the VP/HR regularly consults Parliament on the progressive framing of a common Union defence policy, ensures that the views of Parliament are duly taken into consideration in that process, and informs Parliament on the progress made towards the European Defence Union;
- R. whereas the VP/HR, in her statement at the Gymnich informal meeting of EU foreign affairs ministers of 2 September 2016, referred to the 'window of opportunity' for solid progress to be made among Member States in the field of defence;
- S. whereas the Commission ensures the application of the Treaties, and of measures adopted by the institutions pursuant to them, including in the area of CSDP;
- T. whereas the Union's future annual and multiannual programming should include defence policy; whereas the Commission should initiate the work on appropriate interinstitutional agreements, including an EU Defence White Book, for a first implementation under the next multiannual financial and political framework of the EU;
- U. whereas Parliament represents the European citizens and exercises legislative and budgetary functions as well as political control and consultation functions, and is thus called upon to play a key role in framing the European Defence Union;
- V. whereas an active role of Parliament, and its political support and democratic scrutiny in framing a common Union defence policy and establishing common defence, would affirm and enhance the representative and democratic foundations of the Union;
- W. whereas the EU Global Strategy should serve as a very clear and valuable strategic framework for the future development of the CSDP;
- X. whereas there are limitations when it comes to military training abroad, in terms of both action plans and the military logistics support required;
- Y. whereas training missions cannot therefore be carried out abroad — as in the case of the military training missions in the Central African Republic (EUTM CAR) or Mali (EUTM Mali) — if the governments of the countries concerned do not supply the necessary armaments and equipment to the military units; whereas without training involving arms and equipment, it is impossible to create units that are able to confront the challenges of war and carry out operations;
- Z. whereas European soldiers are currently prohibited from taking part in military operations as observers, which means that they cannot identify any problems that the units that have been trained may have, and that they are therefore unable to resolve any operational problems at a later stage;
- AA. whereas these units — both in Mali and in the Central African Republic — are being set up for combat operations, and whereas after three years without appropriate equipment and training, as is the case for EUTM Mali, they are nowhere near operational;

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- AB. whereas without the necessary armaments, training missions will only be carried out abroad if the government of the country concerned provides armaments and hardware to the units that they can then continue to use after their training is complete;

Constitutional and legal framework

1. Recalls that the CSDP, as provided for in the TEU, includes the progressive framing of a common Union defence policy that will lead to a future common defence when the European Council, acting unanimously, so decides and when Member States adopt such decision in accordance with their respective constitutional requirements; calls on the Member States to commit as a matter of priority to the provisions of the Treaty on the CSDP, and to increase their efforts in ensuring tangible progress in the achievement of the objectives as defined in those provisions;

2. Notes that the reform and innovation that the Lisbon Treaty brings to the CSDP constitute a sufficient and coherent framework and should set the path for a truly common policy, based on shared resources and capabilities as well as on coordinated planning at Union level; stresses that the progress of the CSDP within the current institutional and legal framework is dependent more on the political will of Member States than on legal considerations; highlights that Article 43 TEU covers the whole spectrum of crisis management tasks, the use of which in a rapid and decisive way is the EU's level of ambition;

3. Calls, therefore, on the VP/HR, the Council and the Member States to ensure, as provided for in the TEU, consistency between the different areas of external action, to address these areas through a global and comprehensive approach and to use all the possibilities provided for in the Treaty — especially the mechanisms contained in Articles 42(6) and 46 TEU, in Protocol No 10 on permanent structured cooperation established by Article 42 TEU and, during an operational phase, in Article 44 TEU on the implementation of a CSDP task by a group of Member States — to achieve a faster, more efficient and more flexible deployment of missions and operations; underlines that rules for cooperation within permanent structured cooperation (PESCO) should be clearly defined;

4. Notes that where the TEU provides that the Council act by a qualified majority to adopt decisions under the CSDP, in particular those under Articles 45(2) and 46(2) TEU, all expenditure to which the implementation of such decisions gives rise should be financed with new additional resources to the EU budget and be charged to that budget; considers that, to that end, there is a need for additional funding or co-funding from Member States;

5. Considers, therefore, that the European Defence Agency (EDA) and PESCO should be treated as Union institutions sui generis, as is the case with the European External Action Service (EEAS); considers that this requires amending the Financial Regulation in order to include EDA and PESCO in Article 2(b) thereof, with a specific section in the Union budget; recalls that Parliament should, jointly with the Council, exercise legislative and budgetary functions, as well as functions of political control and consultation as laid down in the Treaties;

6. Is convinced that Article 41(1) TEU applies to the administrative expenditure of EDA and PESCO;

7. Notes that Article 41(2) TEU applies to the operating expenditure of EDA and PESCO; recalls that operating expenditure arising from military missions as referred to in Article 42(1) TEU, operating expenditure arising from defence operations of a Member State where it is the victim of an armed aggression on its territory, and operating expenditure arising from defence operations of Member States where they fulfil their obligation of aid and assistance under Article 42(7) TEU, should be funded collectively, but not charged to the Union budget; welcomes the activation of Article 42(7) on the mutual defence clause;

8. Considers, therefore, that for EDA and PESCO the funding of their administrative and operating expenditures from the Union budget is the only option under the Treaties, notwithstanding that both institutions may administer funds directly provided by Member States;

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9. Calls on the Member States to provide the necessary additional financial means needed in order to finance the administrative and operational costs of EDA and PESCO from the Union budget;
10. Urges the Council to revise Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency to those ends;
11. Believes that deepening defence cooperation among Member States at the EU level should go hand in hand with the strengthening of parliamentary oversight and control by both the European Parliament and national parliaments;
12. Underlines, in this context, Parliament's role as budgetary authority; is resolved to exercise effective parliamentary scrutiny and budgetary control over EDA and PESCO as provided for by the treaties;
13. Urges the Council to act in accordance with Article 41(3) TEU and without delay to adopt a decision establishing the start-up fund for the urgent financing of the initial phases of military operations for the tasks referred to in Articles 42(1) and 43 TEU;
14. Urges the Council, in accordance with Article 42(2) TEU, to take concrete steps towards the harmonisation and standardisation of the European armed forces in order to facilitate the cooperation of armed forces personnel under the umbrella of a new European Defence Union as a step in the progressive framing of a common Union defence policy;

The European added value of the CSDP

15. Emphasises that achieving the objectives of the CSDP to strengthen the Union's operational capacity to act externally for peacekeeping, conflict prevention and strengthening international security, as provided for in the TEU, is more than ever necessary in a fast deteriorating security environment; strongly believes that the security and defence threats faced by the EU, and directed at its citizens and territory, are common and cannot be addressed by a Member State alone; is convinced that the Union's security and defence will be stronger if the Union and its Member States decide to stay united and to work together; takes the view that the EU needs to develop an effective system for European burden-sharing for its own security and defence, which is not yet the case; calls on the Member States to show full political engagement and to cooperate to this end;
16. Emphasises that security and defence constitute an area where European added value is evident, in terms of efficiency, by giving Member States increased and more cost-effective capacity, through greater coherence, coordination and interoperability in security and defence, and in terms of contributing to consolidating solidarity, cohesion and strategic autonomy, as well as the resilience of the Union; draws attention to estimates that each euro invested in defence generates a return of 1,6 euros, in particular through skilled employment, research and technology, and exports;
17. Stresses that the use of all possibilities provided for in the Treaties would improve competitiveness and the functioning of the defence industry in the single market, further stimulate defence cooperation through positive incentives, and target projects that Member States are not able to undertake, reducing unnecessary duplication and promoting a more efficient use of public money;
18. Stresses that the reinforcement of the CSDP in line with the Treaties will not impinge on national sovereignty, as this policy is driven by the Member States; is convinced that there is no greater respect for sovereignty than defending the territorial integrity of the European Union through a common defence policy;
19. Stresses that the launching of CSDP missions on the basis of Article 44 TEU contributes to the achievement of a European Defence Union; calls on the EU to make use of the full potential of Article 44 in order to continue and step up such missions, with a view to paving the way for an operational security and defence policy;

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20. Considers it essential to increase national defence expenditure to 2 % of EU GDP; stresses that this would mean extra expenditure of nearly EUR 100 billion on defence by the end of the coming decade; considers that this boost should be used to launch more strategic cooperative programmes within and through the Union, by better structuring the demand and supply sides, and by making both sides more efficient and more effective; considers that this increase will contribute to European-level support to the European defence industry and to the creation of jobs, in particular in small and medium enterprises; is of the opinion that a substantial part of that expenditure should be channelled to research and development, as well as to strategic cooperative programmes, focusing on new dual-use and defence technologies, which are not only crucial to the achievement of those goals, but may also bring extra added value to the European Union; notes that reinforced accountability, transparency and scrutiny as regards the use of European public funds should be ensured regarding this extra expenditure;

21. Is convinced that the Union's investment in defence should ensure that all Member States can participate in a balanced, coherent and synchronised improvement of their military capabilities; considers that this constitutes a strategic opportunity for the Union to improve its security and defence;

Institutional framework

Defence Ministers Council

22. Highlights the continued need for the establishment of a Council format of Defence Ministers under the presidency of the High Representative of the Union for Foreign Affairs and Security Policy, in order to coordinate the implementation of the CSDP and make it more efficient;

Defence Steering Board

23. Considers that the Steering Board of the EDA, made up of the representatives of Member States' defence ministries, is a body that is suitable to exercise the advisory and supervisory functions required to implement Articles 42, 45 and 46 TEU;

24. Considers that Article 4(4) of Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency provides a necessary and powerful basis for the EDA steering board to act as the Union's third permanent representatives' committee, the Defence Steering Board; considers that this committee should also exercise the advisory and supervisory functions required to implement permanent structured cooperation once it is established;

25. Is convinced that the mandate of the Political and Security Committee (PSC) referred to in Article 38 TEU needs to be interpreted narrowly; considers that, under the treaties, its mandate only covers the situation and missions outside the Union as well as certain aspects of the implementation of the solidarity clause; considers in particular that its developed working arrangements are not adapted to the further implementation of that part of the CSDP which is defined by Article 42(2) TEU;

26. Urges the Council to revise Decision 2001/78/CFSP setting up the Political and Security Committee, as well as Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency to those ends;

European Defence Agency

27. Recalls the objectives of the EDA of supporting Member States in developing their defence capabilities and reinforcing their industrial and technological defence base; emphasises the underused potential of the EDA in supporting the development of the CSDP and in achieving those objectives, which require full use of the Agency's capacities; calls for a reflection on the Agency's future role and tasks; calls on the Member States to define and commit to a common level of ambition within a reformed EDA; calls for the reinforcement of the EDA's political backing, funding and resources, as well as of its coordination with the actions of the Commission, the Member States and other actors, especially in the areas of capability development, defence procurement, research and the promotion of interoperability among Member States' armed forces; considers that the Agency may co-fund pre-commercial procurement and public procurement of innovative solutions together with Member States' authorities and private market operators;

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28. Notes the EDA's decision to review the Capability Development Plan (CDP) in line with the EU Global Strategy, and looks forward to a future CDP which reflects EU and Member States' priorities and needs in a more relevant way;

29. Calls on the Member States to develop a common European armaments and capabilities policy (EACP) within the EDA as foreseen by Article 42(3) TEU, and calls on the Commission and the EDA to put forward proposals on this matter; calls on the VP/HR to inform Parliament of the results achieved by the existing working relationship between the EDA and the Commission, and of both with the European Space Agency (ESA) and the Organisation for Joint Armament Cooperation (OCCAR); calls on the Member States to duly implement Common Position 2008/944/CFSP on Arms Exports, and to establish a common arms export policy ensuring that arms exports will be subject to common, EU-wide criteria governing the exports of weapons, ammunition, defence equipment and technologies to third countries;

Permanent structured cooperation (PESCO)

30. Encourages the Member States to establish and join PESCO within the Union framework as soon as possible, with a view to sustaining and improving their military capabilities through doctrine and leadership development, personnel development and training, defence material and infrastructure development, and interoperability and certification; underlines the importance and necessity of participation in permanent and efficient structured cooperation by all Member States willing to advance their defence integration to the highest level of ambition; believes that a permanent 'European Integrated Force' (EIF) should be set-up as a multinational force, as referred to in Article 1 of Protocol No 10 on PESCO, and be made available to the Union for the implementation of the CSDP, as foreseen in Article 42(3) TEU; calls on VP/HR to put forward proposals for the operationalisation of PESCO in the first half of 2017;

31. Considers that the Union should make provision, in agreement with the Member States concerned, for participation in capability programmes undertaken by them; considers that the Union's financial contribution to such programmes should not exceed the contributions made by the participating Member States;

32. Takes the view that the EU Battlegroup system should be brought under PESCO, alongside the creation of a permanent civilian and military headquarter, with an equally important Military Planning and Conduct Capability (MPCC) and Civilian Planning and Conduct Capability (CPCC), which would strengthen strategic and operational planning across the entire planning cycle, enhance civil-military cooperation and improve the EU's ability to react speedily to crises; considers that other European multinational structures, such as the European Air Transport Command, Eurocorps and the Organisation for Joint Armament Cooperation (OCCAR), as well as all bilateral and multilateral forms of military cooperation among PESCO participating countries, should also be brought under PESCO; considers that the EU's privileges and immunities should apply to those multinational structures being part of PESCO;

33. Considers that during the stand-up, standby and stand-down phases the Union should cover all EU Battlegroup costs;

34. Calls on the VP/HR and the Council to implement UN Security Council Resolution 1325 fully and to appoint a Special Representative for Women and Conflict;

The European Parliament

35. Stresses that Parliament should play a prominent role in the scrutiny and supervision of the implementation and in the evaluation of the CSDP, in line with Article 14(1) TEU; considers that the interparliamentary conference on CFSP and CSDP should also serve as a platform for interparliamentary consultation and scrutiny of the CSDP; insists that Parliament must be consulted in an effective way on major decisions in the area of the CSDP, in particular as regards military and civilian missions outside the EU, and strategic defence operations;

36. Calls in this regard on the VP/HR to give full effect to Article 36 TEU, by ensuring that the views of Parliament are duly taken into consideration in the framework of the consultation of Parliament on the main aspects and basic choices of the CSDP as part of the CFSP; calls for more information to be provided to Parliament on a more regular basis, with a view to strengthening the available parliamentary and political control mechanisms;

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37. Urges Parliament to turn its Subcommittee on Security and Defence into a fully-fledged parliamentary committee, enabling it to have a prominent role in the implementation of the common security and defence policy, and, in particular, a role in the scrutiny of legal acts related to the defence market, as well as in procedures such as the Coordinated Annual Review on Defence;

38. Calls for reinforced cooperation between the European Parliament and national parliaments, as a crucial element for developing concrete results in the area of the CSDP and for its legitimisation; notes that such cooperation should not undermine the implementation of the CSDP and the achievement of its objectives as a Union policy;

39. Considers that Parliament should continue boosting specific initiatives and addressing recommendations to the Council, the VP/HR and the Commission on common security and defence issues, beyond its role in the budgetary procedures;

EU-NATO relationship

40. Calls for a closer relationship between the CSDP and NATO, which offers a political opportunity for collaboration and complementarity at every level, without prejudice to Article 42(7), second subparagraph, TEU; recalls the need to rebalance and enlarge the strategic partnership between the EU and NATO, with the aim of ensuring compatibility, developing joint capabilities and avoiding duplication of actions and structures, thus reducing spending and making it more effective; calls on the VP/HR to engage immediately with transatlantic partners with a view to clarifying their position on the different topics addressed by the Global Strategy;

41. Calls on the VP/HR and the Secretary-General of NATO to provide a detailed analysis of the legal and political consequences of the possible triggering by the United Kingdom of Article 50 TEU for the development of the EU/NATO partnership;

42. Underlines that the 'Berlin plus' arrangements should be reformulated in depth with a view to adapting them to the current strategic context and to tackling the deficiencies found, such as by enhancing tactical and operational mechanisms in scenarios where both the EU and NATO are present, and enabling NATO to make use of the EU's instruments;

Political recommendations

43. Supports the proposal for a Coordinated Annual Review on Defence, in the context of which Member States would coordinate their defence spending and capability plans, in an open process involving both the European Parliament and the national parliaments;

44. Calls on the Council and the VP/HR to elaborate an EU white book on security and defence that includes an appropriate definition of the threats and dangers to European security faced by the EU and its Member States, as a first step towards establishing the capacities that European defence requires, and a roadmap with clear phases and a calendar for progressive steps to be taken towards the establishment of a European Defence Union and a more effective common defence policy; believes that such a white book should be the result of contributions from the various EU institutions and be as comprehensive as possible, and should integrate the different measures foreseen by the Union;

45. Welcomes the European Defence Action Plan put forward by the Commission in November 2016; calls in this regard on the Commission and the Member States to clarify thoroughly the governance, financing and objectives of the possible European Defence Fund, notably the capability and research 'windows'; considers that the effective implementation of that plan requires strong support and political commitment from the Member States and the EU institutions; regrets in this regard that the Commission, the EDA and the Member States have not yet delivered on all the tasks resulting from the European Council meetings on defence of 2013 and 2015;

46. Points out that the various initiatives put forward by the Commission will need to take account of the specific features of the defence sector (rules for participation, intellectual property rights, governance, and tie-in with operational requirements); will keep a very close eye on this during the negotiations for the period 2021-2027, in particular as regards implementation of the prospective European defence research programme;

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47. Considers that the adoption of a EU White Book on Security and Defence should build on the Global Strategy's Implementation Plan on Security and Defence, in order to drive the progressive framing of a common Union defence policy; stresses that this document should not only reflect the current military capabilities of Member States, but also analyse the type of cooperation necessary and the means to achieve it, the kind of operations that the EU may conduct, and the required capabilities and funds, while also contributing to coordination and cooperation between NATO and the EU;

48. Calls for the immediate reform of the Athena mechanism in view of enlarging its potential for cost sharing and common funding, as well as of ensuring a fair sharing of operational costs, so that Member States will be encouraged to contribute with forces, not being restricted by their financial capabilities; considers that such reform should ensure that all common costs referred to in Annexes I to IV to Council Decision (CFSP) 2015/528 of 27 March 2015 are always borne by Athena; considers that the reformed Athena mechanism should be used also to fund the expenditure for the operations of the 'European Integrated Force' (once established within PESCO), including the EU Battlegroups;

49. Requires that European military training missions abroad achieve their task of training local national military units capable of addressing conditions of war and security threats (rebellions and terrorism); considers that, as a result, they should have the weapons and equipment necessary both for their training and their ability to operate in the field, and that the European military in charge of their training should be able to accompany them as observers without intervening in the operations, in order to be able to evaluate the effectiveness of the training and, consequently, to be able to make the adjustments and undertake the retraining necessary;

50. Underlines the need for deeper discussions on the future relation between the Union and the United Kingdom in CSDP matters, and in particular in the field of military capabilities, should the UK decide to trigger Article 50 TEU; considers that new command arrangements need to be found with regard to the Northwood Operational Headquarters for Operation Atalanta;

51. Calls on the Council and the VP/HR to ensure coordination at all levels of interaction: civilian and military, EEAS/Commission, and EU/Member States; welcomes the internal/external security nexus established by the Global Strategy, and calls on the VP/HR and the Commission to ensure coherence and ensure that the internal and external aspects of security are duly coordinated, including at administrative level;

52. Underlines that the EU must step up its efforts to strengthen global governance, which will result in an improved strategic and security situation; calls on the Member States to promote the reform of the UN in order to enhance its legitimacy, transparency, accountability processes and effectiveness; takes the view that the UN Security Council must be reformed, especially as regards its composition and voting procedures, in order to boost its capacity to act decisively to address global security challenges, moving beyond its purely military focus;

53. Stresses that the human factor is one of our most valuable assets when working towards a common defence; considers that more investment in CSDP training and education is needed, including the pursuance of an integrated system based on national military centres, as both training and education are a powerful instrument to advance in this field;

54. Considers that the views expressed by the European Parliament through this resolution constitute recommendations to the Council and to the VP/HR as referred to in Article 36 TEU; considers that these recommendations should be duly taken into consideration by the VP/HR in any proposals for development of the CSDP, and by the Council when adopting such proposals, as a good practice of mutual sincere cooperation among the Union institutions;

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55. Underlines that Article 21 TEU Union explicitly states that the 'Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law';

Possible evolutions of and adjustments to the current institutional set-up of the European Union

56. Calls on the members of a future convention:

- to consider the recommendations and orientations of this resolution, of Parliament's resolutions on the implementation of the Common Security and Defence Policy and on the European Defence Union;
- to include, based on those resolutions' recommendations and orientations, provisions in a future Union treaty that:
 - establish the European Armed Forces, capable of deploying combat forces for high intensity conflicts, stabilisation forces which secure cease-fires or peace agreements and evacuation tasks medical services including mobile field hospitals as well as forces for military logistics and military engineering;
 - establish, within the common Union defence policy, precise and binding guidelines for the activation and implementation of the mutual aid and assistance clause;
 - ensure compulsory information sharing at European level among national intelligence bodies within adequate cooperation structures;
 - establish a standing 'defence matters' working group of members of the Commission, to be chaired by the VP/HR; associate Parliament with the permanent representatives in this group; further involve the Commission in defence, through well-focused research, planning and implementation; allow the VP/HR to mainstream climate change into all EU external action and in particular into the CSDP;
- to consider the financial and budgetary policy assessment of Member States' defence spending of a future European Semester on Defence, that is to take into account how much each Member State spends in this area, with a view to relating the importance of the individual spending to the security of Europe as a whole; believes that, in the long term, the EU should explore the possibilities of, and aim at, a common budget;

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57. Instructs its President to forward this resolution to the European Council, the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Secretary-General of the North Atlantic Treaty Organisation, the EU agencies in the space, security and defence fields, and the national parliaments.

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P8_TA(2017)0093

An integrated EU policy for the Arctic

European Parliament resolution of 16 March 2017 on an integrated European Union policy for the Arctic (2016/2228(INI))

(2018/C 263/19)

The European Parliament,

- having regard to the United Nations Convention on the Law of the Sea (UNCLOS) concluded on 10 December 1982 and in force since 16 November 1994, and the United Nations Framework Convention on Climate Change (UNFCCC),
- having regard to the Agreement adopted in Paris at the 21st Conference of the Parties of the UNFCCC of 12 December 2015 (the Paris Agreement), and to the vote in the European Parliament on the ratification of the Agreement on 4 October 2016 ⁽¹⁾,
- having regard to the Minamata Convention, the Convention on Long-Range Transboundary Air Pollution, the Gothenburg Protocol, the Stockholm Convention, the Århus Convention and the Convention on Biological Diversity,
- having regard to the United Nations Summit on Sustainable Development and the outcome document adopted by the General Assembly on 25 September 2015, entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’ ⁽²⁾,
- having regard to the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972,
- having regard to ILO Convention No 169,
- having regard to the Ilulissat Declaration announced on 28 May 2008 by the five coastal states of the Arctic Ocean at the Arctic Ocean Conference in Ilulissat, Greenland,
- having regard to the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat ⁽³⁾,
- having regard to the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) 61/295 by the General Assembly on 13 September 2007,
- having regard to the Council Conclusions on Arctic issues, in particular those of 20 June 2016, 12 May 2014, 8 December 2009 and 8 December 2008,
- having regard to the EU Global Strategy for the European Union’s Foreign and Security Policy of June 2016 on ‘Shared Vision, Common Action: A Stronger Europe’, as well as the ‘CFSP Report — Our priorities in 2016’, as endorsed by the Council on 17 October 2016,
- having regard to the joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (HR) of 27 April 2016 on ‘An Integrated European Union Policy for the Arctic’ (JOIN(2016) 0021), the joint communication by the Commission and the HR of 26 June 2012 on ‘Developing a European Union Policy towards the Arctic Region’ (JOIN(2012)0019) and the Commission communication of 20 November 2008 on ‘The European Union and the Arctic region’ (COM(2008)0763),

⁽¹⁾ Texts adopted, P8_TA(2016)0363.

⁽²⁾ UN General Assembly resolution A/RES/70/1.

⁽³⁾ http://www.inuitcircumpolar.com/uploads/3/0/5/4/30542564/declaration_on_resource_development_a3_final.pdf

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- having regard to the national Arctic strategies of Arctic states, in particular those of the Kingdom of Denmark (2011), Sweden (2011) and Finland (2013), as well as those of other EU and other EEA Member States,
- having regard to Council Decision 2014/137/EU of 14 March 2014 on relations between the European Union on the one hand, and Greenland and the Kingdom of Denmark on the other,
- having regard to the Declaration on the Establishment of the Arctic Council (AC) and to the current programme of the AC for 2015 to 2017 under US chairmanship,
- having regard to the Declaration on the 20th Anniversary of the Barents Euro-Arctic Cooperation, issued in Kirkenes, Norway, on 3-4 June 2013,
- having regard to the statements of the Conference of Parliamentarians of the Arctic Region (CPAR) and of the Barents Parliamentary Conference (BPC), in particular the Conference Statement adopted at the 12th Conference of the CPAR in Ulan Ude, Russia, 14-16 June 2016,
- having regard to the joint statement of the third ministerial meeting of the renewed Northern Dimension, held in Brussels on 18 February 2013,
- having regard to the statements adopted at the Northern Dimension Parliamentary Forum in Reykjavik, Iceland, in May 2015, in Archangelsk, Russia, in November 2013, in Tromsø, Norway, in February 2011 and in Brussels in September 2009,
- having regard to the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organisation (IMO),
- having regard to the International Convention for the Prevention of Pollution from Ships (MARPOL),
- having regard to the Oil Spill Convention, the Oil Spill Fund and the Supplementary Fund,
- having regard to its resolutions of 21 November 2013 on 'The implementation of the Common Security and Defence Policy' (based on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy) ⁽¹⁾, of 12 September 2013 on 'The maritime dimension of the Common Security and Defence Policy' ⁽²⁾, of 22 November 2012 on 'The role of the Common Security and Defence Policy in case of climate-driven crises and natural disasters' ⁽³⁾, and of 12 September 2012 on 'The Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy' ⁽⁴⁾,
- having regard to its previous resolutions on the Arctic, in particular the resolutions of 12 March 2014 on 'The EU Strategy for the Arctic' ⁽⁵⁾, of 20 January 2011 on 'A Sustainable EU Policy for the High North' ⁽⁶⁾ and of 9 October 2008 on 'Arctic governance' ⁽⁷⁾,
- having regard to its resolutions of 2 February 2016 on 'The mid-term review of the EU's Biodiversity Strategy' ⁽⁸⁾ and of 12 May 2016 on the 'Follow-up to and review of the 2030 Agenda' ⁽⁹⁾,
- having regard to the relevant recommendations of the Delegation for relations with Switzerland and Norway and to the EU-Iceland Joint Parliamentary Committee and the European Economic Area Joint Parliamentary Committee (SINEAA Delegation),
- having regard to the Space Strategy for Europe (COM(2016)0705), published by the Commission on 26 October 2016,

⁽¹⁾ OJ C 436, 24.11.2016, p. 17.

⁽²⁾ OJ C 93, 9.3.2016, p. 131.

⁽³⁾ OJ C 419, 16.12.2015, p. 153.

⁽⁴⁾ OJ C 353 E, 3.12.2013, p. 77.

⁽⁵⁾ Texts adopted, P7_TA(2014)0236.

⁽⁶⁾ OJ C 136 E, 11.5.2012, p. 71.

⁽⁷⁾ OJ C 9 E, 15.1.2010, p. 41.

⁽⁸⁾ Texts adopted, P8_TA(2016)0034.

⁽⁹⁾ Texts adopted, P8_TA(2016)0224.

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- having regard to Regulation (EU) 2015/1775 of the European Parliament and of the Council of 6 October 2015 on trade in seal products,
 - having regard to Rule 52 of the Rules of Procedure,
 - having regard to the joint deliberations of the Committee on Foreign Affairs and the Committee on the Environment, Public Health and Food Safety under Rule 55 of the Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on International Trade, the Committee on Regional Development and the Committee on Fisheries (A8-0032/2017),
- A. whereas the EU is a global actor; whereas there has been a longstanding engagement of the EU in the Arctic based on history, geography, economy and research; whereas three of its Member States — Denmark, Finland and Sweden — are Arctic countries; whereas the Arctic is surrounded by international waters, and citizens and governments throughout the world, including the European Union, have a responsibility to support the protection of the Arctic;
- B. whereas the EU's engagement in the Northern region and in the Arctic began already in the early 1990s through its participation in the establishment of the Council of the Baltic Sea Region (CBSS), the Barents Euro-Arctic Council (BEAC) and through the full membership of the Commission in these bodies;
- C. whereas the Northern Dimension (ND) policy, which affects both the EU's internal affairs and external relations, has developed into an equal partnership between the EU, Russia, Norway and Iceland; whereas, in addition to the ND partners, several other multilateral organisations participate in this joint policy, such as the AC, the CBSS and the BEAC, while Canada as well as the United States are observers; whereas the policy covers a broad geographical area and plays an important role through practical regional cooperation in sustainable development, public health and social well-being, culture, environmental protection, and logistics and transport;
- D. whereas the EU has gradually built and enhanced its Arctic policy; whereas the evolving engagement and common EU interests are best served by well-coordinated common means; whereas the challenges relating to the Arctic call for a joint regional and international response;
- E. whereas the Arctic faces unique social, environmental and economic challenges;
- F. whereas the European Arctic has sparse populations, spread over a wide area characterised by a lack of transport links such as road, rail and east-west flight connections; whereas the European Arctic suffers from underinvestment;
- G. whereas a broad international legal framework applies to the Arctic;
- H. whereas the AC is the primary forum for Arctic cooperation; whereas in its 20 years of existence, the AC has shown its ability to maintain cooperation in a constructive and positive spirit, and to adapt to new challenges and take on new responsibilities;
- I. whereas Arctic states have sovereignty and jurisdiction over their land and waters; whereas the rights of the people of the Arctic to pursue the sustainable use of their natural resources must be respected;
- J. whereas interest in the Arctic and its resources is increasing because of the changing environment of the area, and resource scarcity; whereas the region's geopolitical importance is growing; whereas climate change effects and growing competition for access to the Arctic and its natural resources, and increasing economic activities, have brought risks to the region, including challenges to the environment and human security, but also new opportunities, such as for a highly developed, sustainable bio-economy; whereas as a result of climate change, new navigation routes will open

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and new fishing grounds and natural resources could lead to increased human activity and environmental challenges in this region;

- K. whereas the Arctic has long been an area of constructive international cooperation and whereas there is a need to keep the Arctic as a low-tension area;
- L. whereas good accessibility, to better connect rural areas of the Northern region with the rest of the EU, is a prerequisite for the sustainable and competitive economic development of Northern growth centres, given the increasing attention by investors and stakeholders in their untapped resources and their role as focal points of ecological concern;
- M. whereas by 2015, the Russian Federation had established at least six new bases north of the Arctic Circle, including six deep-water ports and 13 airfields, and has been increasing the presence of ground forces in the Arctic;
- N. whereas robust, healthy and sustainable Arctic ecosystems, inhabited by viable communities, is strategically important for the political and economic stability of Europe and the world; whereas the Arctic contains over half of the world's wetlands and plays a key role in the purification of water; whereas it contributes to the achievement of the objective of good water status in the European Union under the Water Framework Directive; whereas when it comes to preserving the Arctic socio-ecosystems, the costs of inaction are increasing exponentially;
- O. whereas Arctic sea ice has diminished significantly since 1981, the areas under permafrost are decreasing (with the risk of incidental releases of huge amounts of carbon dioxide ⁽¹⁾ and methane into the atmosphere), the snow cover continues to decrease and the melting glaciers are contributing to globally rising sea levels; whereas it has been noticed that the sea ice is disappearing at an even faster pace than models predict, with the volume of sea ice present during the summer having fallen by more than 40 % in 35 years; whereas climate change is advancing at a double — and accelerating — pace in the polar regions, causing unknown and unpredictable changes to world ecosystems;
- P. whereas three EU Member States (Denmark, Finland and Sweden) and one Overseas Country and Territory (Greenland) are members of the eight-member AC, and seven other Member States (France, Germany, Italy, the Netherlands, Poland, Spain and the United Kingdom) are observers; whereas the EU looks forward to the final implementation of its formal status as an observer in the AC;
- Q. whereas environmental protection and sustainable development are the two main tenets of the Ottawa declaration that laid the foundation for the AC in 1996;
- R. whereas some four million people live in the Arctic region, of which some 10 % are indigenous peoples; whereas the vulnerable Arctic environment, as well as the fundamental rights of indigenous peoples, must be respected and protected with more stringent safeguards; whereas the rights of indigenous peoples and local populations to approve, and to participate in decision-making affecting, the extraction of natural resources needs to be guaranteed; whereas the increase in pollutants and heavy metals in the Arctic has negative repercussions in the food chain owing to their presence in fauna and flora, in particular fish, and is an important health issue for local inhabitants as well as for consumers of fishery products elsewhere;
- S. whereas ecosystems in the Arctic, including its flora and fauna, are particularly vulnerable to disturbances, having relatively long recovery periods; whereas negative environmental consequences are often cumulative and irreversible, and often have external geographical and ecological impacts (e.g. damage to oceanic ecosystems);
- T. whereas in the last decades, the temperature in the Arctic has been increasing at about twice the rate as the global average;

⁽¹⁾ It is estimated that one and a half billion tons of CO₂ is stored in the Arctic.

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- U. whereas increased amount of greenhouse gases and air pollution in the atmosphere are contributing to the changing climate of the Arctic; whereas pollution appearing in the Arctic climate is mostly derived from Asian, North American and European emitters, so that the emission reduction measures in the EU play a great role in tackling the climate change of the Arctic;
- V. whereas the risks posed by the use of heavy fuel oil (HFO) in Arctic maritime transports are multiple: in the event of spills, the highly dense fuel emulsifies, sinks and can be transported extremely long distances if it gets trapped in ice; spilled HFO poses enormous risks for the food security of Arctic indigenous communities, whose subsistence depends on fishing and hunting; combustion of HFO produces sulphur oxides and heavy metals, as well as large amounts of black carbon, which, when deposited on Arctic ice, stimulates the absorption of heat into the ice mass, accelerating the melting process and the effects of climate change; whereas the transport and use of HFO is prohibited by the IMO in the waters surrounding the Antarctic;
- W. whereas the EU should play a leading role in discussions and negotiations in international fora with a view to ensuring that all parties concerned accept their responsibilities in terms of reducing emissions of greenhouse gases or pollutants, and face the growing challenges of sustainable resource management;
- X. whereas the risks derived from the use of nuclear power in ice breakers and coastal facilities should be taken into account and minimised in all activities related to preparedness and response;
- Y. whereas dumping of any sort of waste in the Arctic permafrost is under no circumstances a sustainable waste management solution, as demonstrated by recent findings at Camp Century in Greenland;
- Z. whereas the EU policy in the Arctic region should reflect more closely the Sustainable Development Goals that the EU has committed to achieving by 2030;
- AA. whereas science-informed decision-making, including local and indigenous knowledge, is key to safeguarding the fragile ecosystems of the Arctic, to reducing risks, to enabling adaptation of local communities and to promoting sustainable development; whereas the EU is the world's leading funder of Arctic research, and promotes the free exchange of its results;
- AB. whereas a balanced combination of Arctic industrial expertise and specialisation, on the one hand, and a commitment to environmentally friendly and sustainable development goals, on the other, have the potential to encourage ecological innovation, industrial symbioses and effective waste management in the Arctic area, and thereby to maintain both its pristine environment and its potential for new and emerging business opportunities, and for job growth, in the process contributing as well to youth employment and to resolving the challenge of its ageing population;
- AC. whereas the technical capabilities of existing satellite communications within the EU, along the lines of the services and infrastructure offered by Copernicus and Galileo, could meet the needs of users located in the Arctic region;
- AD. whereas the involvement of local communities is critical to the success of natural resource management and to building resilience in fragile ecosystems;
- AE. whereas it recognises the importance of considering traditional and local knowledge in decision-making in the Arctic;
- AF. whereas the Sami, Nenets, Khanty, Evenk, Chukchi, Aleut, Yupik and Inuit cultures need to be protected pursuant to the UNDRIP; whereas the indigenous populations of the Arctic have the right to use natural resources in their home areas and should therefore be parties to any future plans for commercial fishing;

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AG. whereas any fisheries activity in the Arctic region must take place in compliance with existing international agreements regulating the area, including the Spitsbergen Treaty of 1920 and, specifically, any rights of States Parties to that treaty, and also in compliance with any historical fishing rights;

1. Welcomes the joint communication as a positive step towards an integrated EU policy on Arctic matters, identifying specific areas of action, and towards developing a more coherent framework for EU action with a focus on the European Arctic; stresses the need for more coherence between the EU's internal and external policies as regards Arctic matters; calls on the Commission to establish concrete implementation and follow-up measures for its communication; reiterates its call for a comprehensive strategy and a concretised action plan on the EU's engagement in the Arctic, wherein the aim of preserving the vulnerable ecosystem of the Arctic should be the starting point;

2. Welcomes the joint communication's three priority areas, namely climate change, sustainable development and international cooperation;

3. Underlines the importance of UNCLOS in providing the essential multilateral legal framework for all ocean activities, including in the Arctic, for the delimitation of the Arctic continental shelf and for settling intra-Arctic sovereignty issues as regards territorial seas; notes that only very few unresolved issues of jurisdiction exist in the Arctic; considers respect for international law in the Arctic essential; points out that the waters around the North Pole are mostly international waters; advocates a strong role for the EU in promoting effective multilateral arrangements and a global, rules-based order through the strengthening and consistent implementation of relevant international, regional and bilateral agreements and frameworks; underlines that the EU should have a positive role in promoting and supporting agreements that strengthen the management of biodiversity and environment beyond national jurisdiction in the Arctic Ocean; notes that this does not concern navigation and traditional livelihoods; urges the EU to work closely with its Member States to support the preservation and protection of the environment in the region; stresses the important role of the AC for maintaining constructive cooperation, low tension, peace and stability in the Arctic region;

4. Welcomes the ratification of the Paris Agreement by the European Union and its entry into force on 4 November 2016; calls for its swift and effective implementation by all parties; encourages the Member States to ratify the Paris Agreement in order to proceed with the ambitious greenhouse gas emission reduction targets and measures on both the emission trading and effort-sharing sectors, bearing in mind the target of limiting the temperature increase to 1,5 °C by 2100;

5. Calls on the Commission and the Member States to take a stronger role in the effective implementation of international conventions such as the Paris Agreement, the Minamata Convention, the Convention on Long-Range Transboundary Air Pollution, the Gothenburg Protocol, the Stockholm Convention, the International Code for Ships Operating in Polar Waters (Polar Code) and the Convention on Biological Diversity (CBD); asks the Commission to pay special attention to the ongoing international process by the Persistent Organic Pollutants Review Committee to further phase-out the use of persistent organic pollutants and black carbon; invites EU partner countries to do likewise;

6. Supports the development of a network of Arctic conservation areas and the protection of the international sea area around the North Pole beyond the economic zones of the coastal states;

7. Calls for any development of commercial fisheries in the Arctic region to be carried out in a way that is fully compatible with the sensitive and specific nature of the region; insists that, before any new commercial fisheries are started in the Arctic region, reliable and precautionary scientific stock assessments must be conducted in order to determine the levels of fishing that will conserve the targeted fish stocks above levels capable of producing maximum sustainable yield, and that will not lead to depletion of other species or to serious damage to the marine environment; stresses that all fishing on the high seas must be regulated by a regional fisheries management organisation that respects scientific advice and has a robust control and surveillance programme to ensure compliance with management measures; points out that fishing within Exclusive Economic Zones must meet the same standards; calls for a moratorium on industrial-scale fishing, including bottom trawling, in the previously unfished waters of the Arctic;

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8. Welcomes the ongoing negotiations on an international agreement between the Arctic coastal states and international parties with the aim of preventing unregulated fishing in the international waters of the Arctic, and calls on the Commission and the Member States to sign this declaration and to advocate making it binding on the signatories;

9. Calls on the Commission to support and encourage the Arctic countries to work further on extending the information and analysis that is available on all stocks in the region;

10. Calls on the Commission and the Member States to step up their efforts within the EU legislative framework by agreeing on ambitious reduction targets in the negotiations on the National Emission Ceilings Directive, by reducing local pollution levels through the Clean Air Package in order to reduce long-range pollution and particularly soot, and by negotiating ambitious greenhouse gas emission reduction targets and measures on both the emission trading and effort-sharing sectors, bearing in mind the target of limiting the temperature increase to 1,5 °C by 2100;

11. Calls on the Commission and the Member States to ensure that the UN ocean agreement for the protection of biodiversity in areas beyond national jurisdiction (BBNJ) currently being negotiated is strong and effective and can ensure a robust process for the identification, designation, management and enforcement of marine protected areas, including no-take marine reserves;

12. Encourages the Commission and the Member States to affirm their role in the efficient implementation of the CBD and related international agreements; considers it important that the strategic plan regarding the identification and prioritisation of harmful alien species that threaten ecosystems, and of their expansion routes, agreed upon in Article 10 of the Nagoya Protocol, be carried out, such that the most harmful invasive species are controlled or wiped out, and such that their expansion routes are targeted with a view to eliminating the transfer and invasion of such species, including to Arctic areas;

13. Calls on the Member States to ban fossil fuel subsidies that lower the cost of fossil fuel energy production, with a view to discouraging the exploitation and use of fossil fuels;

14. Calls on the EU to promote strict precautionary regulatory standards in the field of environmental protection and safety for oil exploration, prospection and production internationally; calls for a ban on oil drilling in the icy Arctic waters of the EU and the EEA and for promotion by the EU of comparable precautionary standards in the Arctic Council and for Arctic coastal states;

15. Stresses the importance for the EU of encouraging rapid ratification of the Minamata Convention with a view to preventing and reducing mercury emissions;

16. Welcomes the Commission's intention to channel European Structural and Investment Funds (ESIF) to measures to mainstream climate action in the Arctic, taking into account the local circumstances and special nature of the Arctic regions;

17. Stresses that the increasing use of natural resources in the Arctic should be conducted in a way that respects and benefits local populations and that takes full environmental responsibility for the fragile Arctic environment; believes that this strategic choice is integral to ensuring the legitimacy of, and local support for, the EU's Arctic engagement;

18. Calls on the Commission, and on those Member States that are members of or observers to the AC, to support the AC's ongoing work regarding environmental impact assessments (EIA) to preserve the vulnerable ecosystems of the Arctic in accordance with the lines of the Espoo Convention; emphasises the vital importance of EIAs for ensuring a sustainable development of economic activities and the protection of the Arctic's particularly vulnerable ecosystems and communities; draws attention to the following non-exhaustive criteria presented by the Inuit Circumpolar Council (ICC) for evaluating projects taking place in the Arctic:

— All potential environmental, socio-economic and cultural impacts, both during and after the project, including cumulative effects of current and future projects, must be considered.

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- The precautionary principle and the polluter pays principle must be applied at all stages of project planning, assessment, implementation and reclamation.
- Reclamation and recovery of habitat and affected lands must be thoroughly planned and fully funded in advance.
- Project proposals for oil spill response must include a proven demonstration of the industry's ability to retrieve spilled oil in frozen, broken and refreezing ice conditions.
- An international liability and compensation regime for contamination of lands, waters and marine areas resulting from offshore oil exploration and exploitation must be established;

19. Stresses the importance of finding mechanisms to incorporate corporate social responsibility (CSR) into the activities of companies doing business in the Arctic region, notably through cooperation with representatives of the business sector, such as the Arctic Economic Council; recommends that the potential of voluntary mechanisms be explored to encourage high industry standards in social and environmental performance, such as by highlighting 'best performances' in an Arctic Corporate Responsibility Index, based on e.g. the Arctic Business Investment Protocol and the UN Global Compact Initiative;

20. Calls on the Commission and the Member States to support all efforts made in the IMO to reach a global agreement on reducing emissions from shipping;

21. Recognises the importance of continuous and sufficient funding for the Northern Sparsely Populated Areas in order to tackle permanent handicaps such as sparse population, harsh climate conditions and long distances;

22. Encourages close cooperation between the EU Institutions and relevant Member States on Arctic issues; invites those Member States that are members of the AC to keep the other Member States and the HR informed of any matter of common interest in the AC in accordance with Article 34(2) TEU;

23. Stresses the need for the EU to engage with all Arctic partners in policy dialogue, and calls for intensified cooperation between the EU, the AC in the framework of the Northern Dimension, the Barents Euro-Arctic Council and other bodies involved in cooperation in the High North; underlines the important role of observers in the AC with great experience and long-time engagement in scientific and political cooperation in the Arctic; welcomes, in this regard, the ongoing dialogue between the observers and the AC Presidency;

24. Strongly supports the granting of observer status to the EU in the AC; is convinced that the full implementation of the EU's status to formal observer would contribute positively to, and reinforce, the political and institutional role of the AC in dealing with Arctic matters;

25. Welcomes the enhanced coordination between the Commission and the EEAS on Arctic issues; suggests that a unit for Northern policies be created within the EEAS, and that EEAS-Commission inter-service cooperation be strengthened, to ensure a coherent, coordinated and integrated policy approach across the relevant key policy areas;

26. Notes the EU's capacity to contribute to the resolution of potential security challenges; calls on the EU to contribute, in partnership with its Member States and in cooperation with the Arctic countries, to the efforts to build civilian security mechanisms, and to enhance natural and man-made crisis and disaster management capacities as well as search and rescue infrastructures;

27. Draws attention to the fact that energy security is closely related to climate change; considers that energy security must be improved by reducing the EU's dependence on fossil fuels; highlights the fact that the transformation of the Arctic represents one major effect of climate change on EU security; stresses the need to address this risk multiplier through a reinforced EU strategy for the Arctic, and through an enhanced policy of EU-generated renewable energies and energy efficiency that significantly reduces the Union's reliance on external sources and thereby improves its security position;

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28. Calls for the development of oiled wildlife response plans, in accordance with defined good practice, in all Arctic states, including an effective assessment of vulnerable species at risk, as well as feasible prevention and response strategies to ensure their protection;
29. Highlights the ongoing constructive and pragmatic cross-border cooperation within the ND, its partnerships and the Barents Cooperation;
30. Stresses the importance of continued engagement and dialogue with Russia within the framework of Arctic regional cooperation, particularly EU-Russia cross-border cooperation, notwithstanding the increase in the stationing of Russian military forces in the region, the building and reopening of Russian military bases and the creation of a Russian Arctic military district; underlines the need for the EU to further assert its interests towards Russia through the use of selective engagement and to seek progress on issues of common concern where there is ground for global solutions to common challenges and threats; urges that this issue be included in the EU strategy on the Arctic; underlines that the Arctic region is an integral part of environmental, economic and political spheres of international relations;
31. Is of the opinion that the ND policy serves as a successful model of stability, joint ownership and engagement in Arctic cooperation; underlines the importance of the ND sectorial partnerships, especially in environment and in infrastructure and logistics;
32. Notes that Arctic migration routes to the EU have formed; emphasises that migration routes and increased transport should be considered when drafting an EU Arctic strategy;
33. Reiterates its call on the EU and its Member States actively to uphold the principles of freedom of navigation and innocent passage;
34. Welcomes plans to create a European Arctic stakeholder forum; emphasises the need to enhance synergies between existing financing instruments in order to prevent possible duplications, and to maximise interaction between internal and external EU programmes; notes that Finland has offered to host the first forum, to be convened in 2017;
35. Emphasises the importance of including traditional and local knowledge in decision making in the Arctic;
36. Reaffirms the EU's support for the UNDRIP; recalls, in particular, Article 19 thereof, affirming that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative and administrative measures that may affect them; calls for better and earlier involvement of indigenous peoples, in the making of a citizen-centred Arctic policy and into the work of the AC; stresses that their inclusion in decision-making would facilitate the sustainable management of natural resources in the Arctic; stresses the necessity to safeguard and promote their rights, cultures and languages; stresses the need to develop renewable energy resources in the Arctic region in a sustainable manner, that also respects the fragile environment, and with the full involvement of the indigenous peoples;
37. Pays special attention to the Sustainable Development Goals (SDG) 4.5, which includes ensuring equal access to all levels of education and vocational training for indigenous peoples, also in their own languages;
38. Stresses, that accessible, interconnected, safe and sustainable tourism in rural and scarcely populated areas in the European Arctic can contribute to increasing business activities, which may in turn increase the number of jobs in the small and medium-sized businesses and help the region's overall positive development; stresses, therefore, that tourism in the area should be promoted because of its related social and environmental implications for infrastructure and research, education and training;
39. Highlights the role of indigenous peoples and local communities in keeping the Arctic region viable and sustainable; calls on the Commission to focus on providing these communities with access to all relevant information on EU single market requirements, best practices and funding instruments; underlines the role of fluent transport, communication and electricity networks, as well as spatial geo-localisation and telecommunication technologies, in creating economic activity in the region; reminds the Commission of its obligations under Regulation (EU) 2015/1775 in terms of reporting and informing the public and the competent authorities of the provisions in the regulation; stresses the need to incorporate

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indigenous and local know-how as well as to ensure a closer involvement, acceptance and engagement of the indigenous and local communities in the decision-making processes; underlines the need of the necessary support and funding; suggests, in this context, an Arctic representation of indigenous peoples in Brussels to make their participation more visible; is of the view that the EU should support the deployment of innovative technologies in the Arctic, developing Arctic renewables sources;

40. Stresses that maintaining sustainably developed communities benefitting from the latest information technology in the Arctic with a high quality of life is of the utmost importance, and that the EU can play a vital role in the matter; reiterates the right of the people of the Arctic to determine their own livelihoods and recognises their wish for sustainable development of the region; asks the EEAS and the Commission to step up the dialogue with them and to explore the possibility of providing funds for these associations and ensuring that their voices are taken into account in EU debates on the Arctic; welcomes the work of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of the indigenous peoples, and that of the UN Expert Mechanism on the Rights of Indigenous Peoples;

41. Stresses that science should be the underlying basis for policy-making in the Arctic when it comes to environmental protection and the fight against climate change;

42. Highlights the vital role of the ESIF in developing the European Arctic and in creating sustainable growth and quality jobs targeted towards future-oriented sectors; highlights as well the need for responsible and respectful development of the Arctic's natural resources; draws attention to the permanent handicaps that need to be offset (Article 174 TFEU); highlights the long-term importance of the strategy in different areas, such as the digital agenda, climate change, blue growth, etc.;

43. Underlines the importance of good accessibility of the Arctic region to the TEN-T network, its planned core network corridor extension of the North Sea-Baltic and Scandinavian-Mediterranean corridors, as well as second level access routes as the key transport structure to enable sustainable mobility of people and goods; recalls the potential of EU funding, such as the Connecting Europe Facility (CEF) and the European Fund for Strategic Investments (EFSI), in financing infrastructure projects in the European Arctic; notes the prominent role of the European Investment Bank (EIB) in this regard; suggests that the Commission explore the potential for a broader international financial cooperation on the development of infrastructure and connectivity, including ICT systems;

44. Welcomes the Commission's commitment to at least maintaining the level of funding for Arctic research in Horizon 2020, and particularly its intention to support the deployment of innovative technologies; calls on the Commission to increase the EU funding for Arctic research in the post-2020 Multi-Annual Financial Framework (MFF); calls on the Commission to continue and reinforce the use of Horizon 2020 and other funding programmes for the purpose of studying the Arctic;

45. Notes that Arctic marine ecosystems are crucial for the preservation of global biodiversity; notes that the reduction of Arctic sea ice and other environmental changes in the Arctic, combined with the limited scientific knowledge about marine resources in this area, necessitates a precautionary approach aiming to establish appropriate international measures to ensure the long-term conservation and sustainable use of resources in the Arctic high seas;

46. Encourages the promotion and facilitation of international scientific and research cooperation among all stakeholders active in the field of Arctic research, and in establishing research infrastructures, in the recognition that better knowledge of the Arctic is key to meeting all challenges in an adequate way; supports cooperation between leading Arctic research institutions with a view to developing an integrated European polar research programme under the EU-PolarNet initiative that incorporates traditional and local knowledge; notes that the Commission has been invited to an international Arctic science conference to be held in Europe in 2018; underlines the importance of successful cooperation with Canada and the US through the Transatlantic Ocean Research Alliance;

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47. Reiterates its call on the Commission to establish an EU Arctic Information Centre in the Arctic, with sufficient funds to ensure efficient access to Arctic information and knowledge, and to generate tourism; points out that such an EU Arctic Information Centre could be linked with already existing Arctic Centres or with some other Arctic institution as a means of crucially lowering costs;

48. Calls for more systematic and long-term gathering of data derived from Arctic research projects; regrets that the achievements of individual projects often disappear when passing from one funding period to another; calls on the Commission to aim at continuity when planning the post-2020 framework for Arctic research;

49. Welcomes the Commission's support for the establishment of marine protected areas in the Arctic; reminds the Commission and the Member States of the at least 10 % protection target of coastal and marine areas as part of the SDGs; notes, however, that any new proposal on these issues should be coherent with the outcome of the discussion by the Arctic states in the AC; stresses that marine protected areas are critically important to preserving Arctic ecosystems; recalls the necessity fully to involve local communities in the planning, realisation and management of these protected areas;

50. Points to the importance of space technologies and space-related research activities which are essential for safe shipping operations as well as for environmental monitoring and for observing climate change in the Arctic; encourages the Commission, in view of the changes in the Arctic region recognised in its Communication on a Space Strategy for Europe (COM(2016)0705), to explore possibilities for increased use of EU future and current satellite programmes in the region, in cooperation with Arctic Council members, and to take into account the needs of users within the framework of the GOVSATCOM initiative; calls on all stakeholders to make full use of the potential of the Galileo satellite navigation and the Copernicus earth observation programmes in this respect;

51. Calls on the Commission and the Member States to promote and support the establishment of a marine protected area in the Arctic High Seas under the mandate of the OSPAR (Convention for the Protection of the Marine Environment of the North-East Atlantic) Commission, prohibiting all extractive uses, including fisheries, in the international waters around the North Pole covered by OSPAR;

52. Calls on the Commission to support initiatives to ban the use of bottom trawling in Ecologically or Biologically Significant Marine Areas (EBSAs) and on the Arctic high seas;

53. Calls for the conservation targets of the new common fisheries policy, and the quantitative target of restoring and maintaining stocks above levels which can produce the maximum sustainable yield, to be the basis for any commercial fisheries in the region;

54. Calls on the EU to be a leader in the prevention of unregulated fishing in the Arctic; takes the view that it would have every right to do so, given that Member States are involved in all levels of governance in the Arctic region;

55. Stresses that EU fishing fleets must not threaten biodiversity in the region; welcomes the identification of EBSAs in the Arctic region under the CBD as an important process in ensuring the effective conservation of Arctic biodiversity, and stresses the importance of implementing an Ecosystem Based Management (EBM) approach in the coastal, marine and terrestrial environments of the Arctic, as highlighted by the Arctic Council EBM expert group; call on states to meet their obligations under the CBD and the UNCLOS by creating a network of marine protected areas and marine reserves in the Arctic Ocean;

56. Advocates strongly that any further development of commercial fisheries in the Arctic region must take place in compliance with international agreements relating to the area, including the Spitsbergen Treaty of 1920, with the rights of any States Parties to such agreements, and with existing historical fishing rights;

57. Calls on the Commission to study and make proposals on the strengthening of the Arctic telecommunications infrastructure, including satellites, in order to help scientific research and climate monitoring, and to create local development, navigation and safety at sea;

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58. Reiterates its 2014 call on the Commission and the Member States to take all necessary measures to facilitate actively the ban on the use and carriage of HFO as ship fuel in vessels navigating the Arctic seas through the International Convention for the Prevention of Pollution from Ships (MARPOL Convention), and/or through port state control, as regulated in the waters surrounding Antarctica; invites the Commission to include the environmental and climate risks of the use of HFO in its study on the risks that the increase in navigation of the Northern Sea Route would bring; calls on the Commission, in the absence of adequate international measures, to put forward proposals on rules for vessels calling at EU ports subsequent to, or prior to, journeys through Arctic waters, with a view to prohibiting the use and carriage of HFO;
59. Looks forward to the entry into force of the IMO Polar Code in 2017 and 2018, which will make Arctic navigation safer; stresses the importance of developing a single escape, evacuation and rescue (EER) system for offshore personnel that can be applied to Arctic platforms and vessels;
60. Recalls that under the European Economic Area (EEA) Agreement, Iceland and Norway have made commitments to preserve the quality of the environment and ensure the sustainable use of natural resources, in line with relevant EU legislation;
61. Stresses China's growing interest in the Arctic region, especially as regards access to shipping routes and the availability of energy resources; takes note of the conclusion of a free trade agreement between Iceland and China, and calls on the Commission to monitor closely the effects this may have not only on the sustainable economic development of the Icelandic part of the Arctic region, but also on the EU's economy and internal market;
62. Recalls that under the 2007 EU-Greenland Fisheries Partnership Agreement, the EU grants Greenland financial support for securing responsible fishing and the sustainable exploitation of fisheries resources in the Greenlandic exclusive economic zone;
63. Calls for the rapid ratification and accession by the Member States of the 2010 Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Noxious and Hazardous Substances by Sea (HNS Convention);
64. Considers parliamentary engagement and close interparliamentary cooperation on Arctic matters, in particular with national parliaments of relevant EU Member States, essential in the implementation of Arctic policies;
65. Invites the HR and the Commission to monitor climate, environmental protection, maritime, socio-economic and security developments in the Arctic closely, and to report back regularly to Parliament and to the Council, including on the implementation of the EU's Arctic policy;
66. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States and the governments and parliaments of the Arctic region states.
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P8_TA(2017)0094

2016 Report on Montenegro

European Parliament resolution of 16 March 2017 on the 2016 Commission Report on Montenegro (2016/2309(INI))

(2018/C 263/20)

The European Parliament,

- having regard to the European Council conclusions of 19-20 June 2003 and to the annex thereto entitled ‘The Thessaloniki Agenda for the Western Balkans: moving towards European integration’,
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, of 29 March 2010 ⁽¹⁾,
- having regard to the outcome of the meetings of the EU-Montenegro Accession Conference at deputy level of 30 June 2016 and on ministerial level of 13 December 2016,
- having regard to the Council conclusions of 26 June 2012 deciding to open accession negotiations with Montenegro on 29 June 2012, and to the conclusions of 13 December 2016, which latter received the support of the overwhelming majority of delegations,
- having regard to the seventh meeting of the Stabilisation and Association Council between Montenegro and the EU, held in Brussels on 20 June 2016,
- having regard to the Commission Communication of 9 November 2016 entitled ‘2016 Communication on EU Enlargement Policy’ (COM(2016)0715), accompanied by the Commission Staff Working Document entitled ‘Montenegro 2016 Report’ (SWD(2016)0360),
- having regard to the Final Declaration by the Chair of the Paris Western Balkans Summit of 4 July 2016 as well as the Recommendations of the Civil Society Organisations for the Paris Summit 2016,
- having regard to the decision of the Foreign Ministers of the NATO Member States of 2 December 2015 and the signature of the NATO Accession Protocol for Montenegro on 19 May 2016,
- having regard to the Final Report of the OSCE/ODIHR Election Observation Mission on the parliamentary elections of 16 October 2016,
- having regard to the Joint Declaration of the 8th meeting of the EU-Montenegro Civil Society Joint Consultative Committee (JCC), held in Budva on 8 November 2016,
- having regard to the Declaration and Recommendations of the 12th Meeting of the EU-Montenegro Stabilisation and Association Parliamentary Committee (SAPC), held in Podgorica on 19-20 May 2016,
- having regard to its previous resolutions on Montenegro,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A8-0050/2017),

A. whereas Euro-Atlantic integration is Montenegro's key foreign policy priority;

⁽¹⁾ OJ L 108, 29.4.2010, p. 1.

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- B. whereas further progress has been made in the accession negotiations; whereas Montenegro is currently considered to be the most advanced in its accession process; whereas the legal framework in the area of the rule of law is largely complete and the institutional set-up is in place;
- C. whereas concerns remain about the polarised domestic climate and the boycott of the opposition in Parliament; whereas sustainable dialogue and constructive cooperation between ruling coalition and opposition are critical to maintaining progress in the accession process;
- D. whereas corruption and organised crime remain serious concerns;
- E. whereas civil society organisations (CSOs) are able to participate in working groups, including for accession negotiations, but have expressed dissatisfaction with their levels of involvement in policy-making and their ability to access information; whereas it is extremely worrying that some civil society activists have been personally targeted by the media through smear campaigns;
- F. whereas Montenegro's progress under rule of law chapters 23 and 24 remains essential for the overall pace of the negotiating process;
- G. whereas freedom of expression and media freedom are core EU values and the cornerstones of any democracy; whereas the Montenegrin media community is highly politicised, censorship and self-censorship persist, and economic and political pressures on journalists occur;
1. Welcomes the continued progress in Montenegro's EU integration; welcomes the fact that Montenegro has achieved steady progress in the accession negotiations, noting that so far 26 chapters have been opened for negotiations and 2 chapters have been provisionally closed; calls on the Council to speed up negotiations with Montenegro; encourages the opening and closing of further chapters in the accession negotiations in 2017; commends the adoption by the Montenegrin Government of the 2017-2018 Programme of Accession of Montenegro to the EU; encourages Montenegro to accelerate the pace of reforms, to increase its efforts towards meeting all benchmarks and to continue focusing on the fundamentals of the accession process; recalls that it is essential to deliver concrete results with a strong and sustainable implementation record, especially in the fields of the rule of law, justice and the fight against corruption and organised crime;
2. Commends the competent authorities for holding parliamentary elections on 16 October 2016 in an orderly manner in which fundamental freedoms were generally respected; encourages further alignment with international standards; welcomes the fact that the turnout was the highest since 2002; welcomes the revised legal framework under which the elections took place, but notes the persistence of some administrative deficiencies, including on the part of the State Election Commission (SEC), as well as concerns about the accuracy of the electoral register and politicisation;
3. Regrets the need for the temporary shutdown of internet communication platforms on election day as well as the hacking of the website of the Centre for Democratic Transition (CDT) a few days before the elections, which hindered the work of civil society organisations (CSOs) in monitoring the elections; calls on the competent authorities to address shortcomings and investigate the alleged procedural irregularities, including alleged abuses of state funds and abuse of office, and any other reported shortcomings, in a swift and transparent manner, and in line with the OSCE/ODIHR recommendations; expects that the independence of the SEC be sustained; takes the view that an improvement of the electoral process is required in order to build full confidence in the electoral process; notes with regret that the opposition has not recognised the results of the elections; recognises the attempts by external actors to discredit the electoral process and the difficulties this has caused; expects the new government to maintain the political commitment to the reform process and invites all political parties to re-engage in a constructive dialogue;
4. Notes that a Government of Electoral Trust was formed in the run-up to these elections; welcomes the fact that this was a Montenegrin-led process and one that was achieved on a cross-party basis;

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5. Notes with concern the alleged attempts by Russia to influence developments in Montenegro, as this pattern of behaviour in the region could imply further destabilisation of the Western Balkans; is concerned about the serious incidents, including an alleged coup d'état, that occurred on 16 October 2016, and calls on the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), and on the Commission, to follow closely ongoing investigations by the competent authorities; commends the willingness of Serbia to cooperate in these investigations; considers it important that relevant services of the Member States share information pertaining to these incidents among themselves and with the VP/HR and the Commission;

6. Continues to be deeply concerned about the polarised domestic climate and the boycott of parliamentary activities by members of the opposition; invites the opposition to take advantage of the Montenegrin Prime Minister's offer of participation in the government in exchange for ending the boycott; reiterates the need for all political forces to re-engage in constructive dialogue and cooperation within the Montenegrin parliament; calls for further reinforcement of the parliament's scrutiny of the accession process and capacity for budget oversight; commends the parliament for continuing to demonstrate a high level of transparency; expresses concern about the use of disproportionate force during anti-government protests; insists repeatedly on the need for a due follow-up on the 'audio-recording affair'; calls for improvements to parliamentary oversight of the implementation of measures to combat organised crime and corruption;

7. Invites the Government to improve access to public information, especially in relation to large infrastructure projects such as the construction of highways, privatisation, public procurement and judicial operations;

8. Welcomes the new public administration reform strategy (PAR) 2016-2020, the public financial management reform programme, the entry into force of the new law on salaries and the simplification of administrative procedures; calls for measures to allocate the appropriate budgetary resources for PAR's implementation, as well as for consistent political will to rationalise public administration, also in view of accession preparations; notes the limited progress that has been made in strengthening administrative capacity; encourages the full de-politicisation of the public administration; considers it essential that the principles of merit, professionalism, accountability, transparency and timely regulatory impact assessment are adhered to and that citizens' rights to good, corruption-free administration and to information are safeguarded;

9. Notes progress in judiciary reform, including improved institutional capacities; remains concerned about undue influence on judicial independence, especially with regard to the appointment of judges; emphasises the need to strengthen the accountability of the judiciary by developing a track record of implementation of codes of ethics and of the new disciplinary systems for judges and prosecutors; stresses the need to rationalise the judicial network, and to further improve capacities to monitor backlogs at courts and to reduce further the number of pending cases; calls for more effective institutional and individual accountability when it comes to the processing of indictments for corruption, money laundering and organised crime; highlights the need to effectively implement court decisions regarding access to information and to counter the prevalent practice of declaring documents as confidential in order to restrict access; stresses the importance of raising public awareness about the existing complaint mechanisms;

10. While noting some progress in the follow-up of war crimes, calls on the competent authorities to effectively investigate, prosecute, try and punish war crimes as well as to fight impunity in line with international standards, particularly with regard to the responsible officials at the top of the command chain; welcomes the adoption of a prosecution strategy with a view to opening new cases and yielding concrete results; stresses the need to ensure unhindered access to justice and fair compensation for the victims of war crimes as well as to fully protect witnesses during war crime proceedings;

11. Notes with concern that corruption remains prevalent in many areas, but welcomes the further strengthening of the anti-corruption framework, inter alia by making the Anti-Corruption Agency (ACA) fully operational and by appointing special anti-corruption prosecutors, as well as addressing the need for specialised long-term training; considers it essential to ensure their independence in investigations; emphasises the importance of politically impartial, professional and transparent ACA activities, especially with regard to high-level corruption cases and political party financing; stresses repeatedly the need to establish a track record on successful investigations and convictions, in particular in high-level

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corruption cases, and on measures to prevent corruption, including applying legal sanctions more effectively; calls on the new government to make combating corruption one of its priorities by allocating sufficient human and budgetary resources to the task;

12. Calls for the effective implementation of sectoral action plans for areas particularly vulnerable to corruption, such as public procurement, privatisation, urban planning, education, healthcare, local government and the police; calls for an effective investigation into potential whistle-blowing cases and their adequate protection; calls for incorporating the criminal offence of illicit enrichment within the Montenegrin criminal code; calls for the effective implementation of the Cooperation Agreement between Eurojust and Montenegro in order to improve judicial cooperation in the fight against serious crime; calls for measures to improve the protection of whistle-blowers;

13. Notes the adoption of an action plan for fighting money laundering and terrorism financing, and the signing of the Additional Protocol to the Council of Europe's Convention on the Prevention of Terrorism; stresses the need to continue to develop the track record in organised crime cases, especially as regards trafficking in human beings, drugs and money laundering, to ensure stronger inter-agency cooperation and to further intensify regional and international cooperation in the fight against organised crime; highlights the need for specialist forensic accountancy advisers to assist with regular investigations;

14. Welcomes the improved legal framework for combating trafficking in human beings; stresses, however, the need for the better identification of the victims of trafficking and to improve their access to assistance, compensation and protection;

15. Welcomes the new strategy to combat violent extremism in 2016-2018, which complements the national strategy for preventing and combating terrorism, money laundering and the financing of terrorism; notes the setting up of a new intelligence unit tasked with identifying and monitoring potential members of violent extremist groups; considers it fundamental to identify people in the early stages of radicalisation in order to prevent them from being recruited by violent extremist groups and to successfully reintegrate them into society; considers it important that measures taken in this regard should ensure the respect for human rights and fundamental freedoms in accordance with international obligations; highlights the importance of raising awareness to monitor possible terrorist threats;

16. While acknowledging CSOs' involvement in the accession preparations, calls on the competent authorities to further improve CSOs' access to EU-related information and to ensure that consultations with CSOs are held in a meaningful way, where possible; calls on the competent authorities to develop a more supportive and inclusive approach to facilitate grassroots activities by CSOs and to encourage their active participation in the overview of the whole electoral process; urges competent authorities to develop public funding for CSOs, both at national and local level, in a more sustainable, transparent and efficient way; calls on the relevant authorities to create conditions conducive to voluntary work and a greater degree of civic engagement; is deeply concerned that smear campaigns and intimidation attempts have continued against certain CSO activists; calls on the competent authorities to investigate and clarify the cause of these attempts and to strengthen efforts in order to protect CSO activists;

17. Notes some progress in improving the situation of minorities, including the completion of several legislative reforms to ensure greater alignment with EU and international human rights standards; welcomes the adoption of a 2016-2020 strategy and action plan for the social inclusion of the Roma and Egyptian communities; calls for an appropriate budget to be allocated so that the action plan may be implemented properly; expresses concern about the double discrimination faced by women and girls in the Roma community and about the access of the Roma community, Egyptian minorities and Ashkali people to healthcare, education, housing and employment; encourages the competent authorities to continue to strengthen efforts to safeguard the rights of LGBTI people; calls on the competent authorities to make further efforts to raise

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awareness about anti-discrimination among the general public; remains concerned that most public buildings, including medical centres and university faculties, are still not accessible to people with disabilities and that the number of employed people with disabilities is still very limited; calls for further measures to protect the multi-ethnic identity of the Boka Kotorska region;

18. Calls for a further strengthening of human rights institutions, including the Ombudsperson and the Ministry of Human Rights and Minorities, and takes the view that their knowledge of international and European human rights law and standards should be increased; expresses concern about the lack of a uniform approach and the low levels of penalties for human rights violations;

19. Remains concerned about continued gender-based domestic and sexual violence, the lack of prosecutions and the proper sentencing of perpetrators in line with international standards, and the inefficient support to, and protection of, victims; calls for measures to establish adequate protection services, enhance relevant inter-institutional coordination, make effective use of the new unified database of cases of domestic violence, and implement the 2016-2020 strategy on combating domestic violence; underlines the importance of educating and training employees in state institutions to work with victims; calls on the competent authorities to ensure proper protection, long term accommodation, financial support and educational programmes for the victims of forced marriages, as well as the efficient prosecution and sentencing of perpetrators; stresses the importance of encouraging women's representation in politics, including in key decision-making positions, as well as their access and better representation on the labour market; calls for the development of public policy which helps to balance work and family relations; notes the continued implementation of the 2013-2017 action plan on gender equality; urges the competent authorities to make sufficient budget allocations for its implementation; notes that there are challenges in coordinating policies concerning children and that violence against children remains a concern;

20. Calls on the Montenegrin authorities to take the necessary measures in order to prevent violence against children, human trafficking and forced child marriages that continue to be reported by NGOs;

21. Emphasises the need to work constantly and seriously on the harmonisation of the Montenegrin legal system with international legal standards of human rights and freedoms of persons with disabilities, in order to ensure that the principles of the rule of law, constitutionality and legality are respected;

22. Remains concerned about the state of freedom of expression and media freedom in Montenegro and the lack of effective investigations by the government into attacks on journalists; urges again the competent authorities to resolve the long-pending cases of violence against, intimidation of and threats made to journalists, to take measures to protect media professionals and to create a safe environment for free and investigative journalism; expresses concerns about attacks perpetrated by police forces and about recent cases of pressure and intimidation against journalists, including smear campaigns, physical attacks and threats, as well as cases of interference with media during anti-government demonstrations, including arbitrary arrests and the seizure of equipment; expresses concerns about the continued lack of proper investigations into these attacks and about the non-resolution of these cases; notes that the number of defamation cases remains high; insists on transparent state advertising in private media, on the amendment of the Montenegrin criminal code and on the introduction of new criminal offences aimed at preventing and punishing attacks on journalists discharging their professional duties; acknowledges the legal measures taken to provide greater financial independence and sustainability for the public service broadcaster RTCG, and calls for further steps to be taken to ensure its independence, including editorial independence; stresses the need to support and strengthen existing self-regulatory mechanisms; stresses that the revised Code of Ethics for Journalists must be effectively and uniformly applied across the media community; calls, when appropriate, for observers of the EU Delegation and Member State embassies to more regularly attend trials against journalists and media professionals;

23. Notes that the SEC limited media access during the 2016 elections; calls for the implementation of the recommendations concerning the media put forward by the Final Report of the OSCE/ODIHR Election Observation Mission on Parliamentary Elections 2016;

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24. While noting favourable economic developments, urges the new government to take measures to ensure fiscal sustainability while enhancing social rights and consumer protection, to launch further structural reforms with a view to improving the business and investment climate that will create jobs and growth and build a more diverse economy, including measures designed to scale back the informal sector, and to insist on the need to fight tax evasion effectively; welcomes the opening of Chapter 19 and strongly believes that it is the best incentive for the government to accelerate its work on social inclusion and poverty reduction and on scaling back the informal sector; calls for the rationalisation of public spending, as well as for intensified efforts to strengthen the rule of law and contract enforcement; calls for the need to tackle high external imbalances and to re-evaluate public infrastructure investment projects which challenge fiscal sustainability; calls for further measures of a financial and non-financial nature to be made available to support SMEs and for further investments to be made in innovation and sustainable projects in order to stimulate the economy; calls for improvements in social dialogue;

25. Notes that while some progress was made in developing transport infrastructure, including through the South East Europe Transport Observatory, a lack of cross-border roads is hampering trade and tourism; welcomes efforts that have been made hitherto to liberalise the railway sector in Montenegro; stresses the need to coordinate with neighbouring countries on connectivity issues and to allow them to become part of the planning process for infrastructure projects;

26. Stresses the importance of strengthening the SME sector and providing support through better legislation, financing and the implementation of industrial policy, as well as by scaling back the informal economy and speeding up the electronic registration of companies nationwide;

27. Notes that the shadow economy of Montenegro still accounts for a large share of total GDP; recalls that the large informal economy constitutes a major bottleneck for entrepreneurship and economic growth and encourages Montenegro to take steps to reduce the size of the shadow economy;

28. Notes with concern that some IPA-funded capacity-building outputs were not fully used or followed up by the authorities; stresses that, for positive outcomes to be achieved, authorities need to ensure adequate staff availability, adopt the necessary legislation to allow the outputs to be used and grant the necessary independence to newly created institutions;

29. Notes the modest decline in unemployment; welcomes the new 2016-2020 national strategy for employment and human resources development and the accompanying 2016 action plan; continues to express concern about high youth unemployment and poor labour mobility; calls for proactive labour market measures to increase quality employment and to support women, vulnerable people, people with disabilities and young people through education, careers guidance, training, employment and labour rights; reiterates the importance of active participation in regional youth initiatives, such as the Regional Youth Cooperation Office of the Western Balkans, including by taking advantage of existing programmes designed to boost connectivity in the region and tackle youth unemployment;

30. Notes that public spending on education remains well below the EU average; emphasises the need to introduce the necessary measures, particularly with regard to early childcare and pre-schooling, where enrolment is disappointingly low and well below the EU's target of 95 % by 2020; takes the view that special attention should be paid to the lack of access to several public universities for persons with disabilities;

31. Welcomes the new law on the environment, as well as the national strategy for the transposition and implementation of the EU *acquis* on the environment and climate change and its 2016-2020 action plan; stresses the need to reinforce implementation efforts, in particular in water quality, nature protection and waste management, as well as related administrative capacities at all levels; is concerned about the significant delay in establishing protection over the potential Natura 2000 site of Ulcinj Salina; calls for further efforts to preserve the biodiversity of the Salina and the sustainable development of the coastline;

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32. Calls on the competent authorities to undertake the necessary protection and conservation measures in relation to Lake Skadar in order to maintain its ecological characteristics including its ecological integrity; calls on the government to ensure that the transformation of national parks into a state-owned limited company will have no adverse effects on their protection; recognises, in this context, the concerns expressed in the framework of the Ramsar and Bern conventions regarding the special-purpose spatial plan for the Skadar Lake National Park, including the Porto Skadar Lake project; expresses concern about significant delays in establishing protection for areas which are identified as potential Natura 2000 network areas such as the Skadar Lake National Park; recalls the need for sound and strategic environmental impact assessments in line with the EU *acquis* and international standards;

33. Stresses the need to implement international commitments in the field of climate change mitigation; is deeply concerned about the Government's plan to develop the Pljevlja II coal-fired power plant, which is incompatible with the commitments made under the Paris Agreement;

34. Acknowledges the good progress made in the area of energy, including in the area of interconnections with partner countries; calls on Montenegro to introduce legislation implementing the Third Energy Package, particularly the Renewable Energy Directive; continues to express concern about unsustainable hydropower development and that many of these plants are being planned without sound environmental impact assessment, in particular with regard to the protection of biodiversity and their impact on protected areas as required by EU legislation; calls on the competent authorities to maintain vigilant oversight of offshore oil and gas exploration and to implement all protective measures in accordance with adopted legislation, regulations and the EU *acquis*;

35. In light of the preparations for the Western Balkans summit in Italy 2017, calls on the Montenegrin authorities to step up efforts to implement legal and regulatory measures in the field of transport and the energy sector (soft measures), in order to fulfil the Connectivity Agenda of the European Union;

36. Welcomes Montenegro's proactive participation and continued constructive role in good-neighbourly, regional and international cooperation; encourages further cooperation in this regard; strongly commends Montenegro for continuing to fully align its foreign policy with the EU's Common Foreign and Security Policy, including with Council Decision (CFSP) 2016/1671 which reasserted EU restrictive measures against Russia; welcomes Montenegro's participation in the EU's CSDP missions; encourages it to continue to address, in a constructive and neighbourly spirit, outstanding bilateral issues with its neighbours, including the unresolved border demarcation issues with Serbia and Croatia, as early as possible in the accession process; reiterates its call for authorities to help resolve the succession issues relating to the legacy of the former Socialist Federal Republic of Yugoslavia (SFRY); welcomes the border demarcation agreement with Bosnia and Herzegovina and the ratification of the border demarcation agreement with Kosovo; underlines the need to continue negotiating the adjustment of the border crossing and border traffic agreements; commends cooperation with neighbouring countries under the Sarajevo Declaration Process; urges Montenegro to comply with the EU common positions on the integrity of the Rome Statute and related EU guiding principles on bilateral immunity agreements;

37. Notes that Montenegro, while not on the 'Western Balkan route', remains a transit country for refugees and migrants, the majority of which come from Syria; calls on Montenegrin authorities to ensure that migrants and refugees applying for asylum in Montenegro or travelling through Montenegrin territory are treated in accordance with international and EU law, including the 1951 Refugee Conventions and the EU Charter of Fundamental Rights; welcomes the adoption of the Schengen Action Plan and the 2017-2020 Strategy for Integrated Migration Management;

38. Calls on the Commission to continue the work on migration-related issues with all the countries of the Western Balkans in order to make sure that EU and international norms and standards are adhered to; welcomes the work done so far in this regard;

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39. Welcomes the active participation of Montenegro in the 2016 Paris summit on the Western Balkans, notably on the connectivity agenda; calls on the authorities to implement the newly signed border crossing agreement with Albania and to implement the Trans-European Network Regulation with regard to licensing and permitting open access to the railway market; notes that although the railway market in Montenegro has been open to competition since 2014, so far no private operators have shown an interest in entering the market; calls on the new government to provide an open railway market, with transparent track access charges and capacity allocation that are fully aligned with the *acquis*;

40. Welcomes the fact that Montenegro's NATO Accession Protocol was signed in May 2016, in recognition of Montenegro's efforts to implement reforms, and that the Protocol is currently being ratified by NATO members, as NATO is an important factor in ensuring stability and peace in the Western Balkans; encourages NATO members within the EU to prioritise the ratification process and to recognise that NATO membership for Montenegro is an important symbolic and strategic part of the country's Euro-Atlantic integration process; recalls that the EU accession negotiations are independent from the NATO accession process;

41. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the government and parliament of Montenegro.

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P8_TA(2017)0095

e-Democracy in the EU: potential and challenges

European Parliament resolution of 16 March 2017 on e-democracy in the European Union: potential and challenges (2016/2008(INI))

(2018/C 263/21)

The European Parliament,

- having regard to Council of Europe Recommendation CM/Rec(2009)1 on electronic democracy (e-democracy), adopted by the Committee of Ministers on 18 February 2009, as the first international legal instrument setting standards in the field of e-democracy,
 - having regard to the Treaty on European Union, in particular Articles 2, 3, 6, 9, 10 and 11, and to the Treaty on the Functioning of the European Union, in particular Articles 8-20 and 24,
 - having regard to the Charter of Fundamental Rights of the European Union, to the European Convention on Human Rights and to the European Social Charter,
 - having regard to its resolution of 28 October 2015 on the European Citizens' Initiative ⁽¹⁾,
 - having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'EU eGovernment Action Plan 2016-2020 — Accelerating the digital transformation of government' (COM(2016)0179),
 - having regard to the 2014 United Nations E-Government Development Index (EGDI),
 - having regard to the three studies entitled 'Potential and challenges of e-participation in the European Union', 'Potential and challenges of e-voting in the European Union' and 'The legal and political context for setting up a European identity document', published by its Policy Department C in 2016,
 - having regard to the two STOA studies entitled 'E-public, e-participation and e-voting in Europe — prospects and challenges: final report' (November 2011), and 'Technology options and systems to strengthen participatory and direct democracy', to be published in 2017,
 - having regard to the work on e-democracy undertaken by the Conference of European Regional Legislative Assemblies (CALRE) using the UN cooperation network IT4all,
 - having regard to its resolution of 8 September 2015 on 'Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries' ⁽²⁾,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Culture and Education (A8-0041/2017),
- A. whereas the recent crises and deadlocks in the financial, economic, political and social fields are severely affecting individual Member States and the Union as a whole and at a time when all of them are confronted with global challenges such as climate change, migration and security; whereas citizens' relationship with politics has become increasingly strained, as they turn away from political decision-making processes, and there is a growing risk of public disaffection with politics; whereas the engagement and involvement of citizens and civil society in democratic life, in

⁽¹⁾ Texts adopted, P8_TA(2015)0382.

⁽²⁾ Texts adopted, P8_TA(2015)0288.

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addition to transparency and information, are essential for the functioning of democracy and for the legitimacy and accountability of each level of the multi-level governance structure of the EU; whereas there is a clear need to enhance the democratic linkage between citizens and political institutions;

- B. whereas in recent decades our society has changed extremely quickly and citizens feel the need to express their views more frequently and directly concerning the problems which determine the future of our society, and whereas political and policymaking institutions are therefore well advised to invest in democratic innovation;
- C. whereas voter turnout in European elections has been steadily decreasing since 1979, and in the 2014 elections fell to 42,54 %;
- D. whereas it is important to regain citizens' confidence in the European project; whereas e-democracy tools can help foster more active citizenship by improving participation, transparency and accountability in decision-making, buttressing democratic oversight mechanisms and knowledge about the EU in order to give the citizens more voice in political life;
- E. whereas democracy should evolve and adapt to the changes and opportunities associated with new technologies and ICT tools, which must be regarded as a common good that, where properly implemented and accompanied by an adequate level of information, could help to create a more transparent and participatory democracy; whereas, with that aim in view, every person should have the opportunity to be trained in the use of new technologies;
- F. whereas further progress on cybersecurity and data protection is essential if we wish to make greater use of new technologies in institutional and political life and thereby enhance citizen participation in decision-making;
- G. whereas a wave of new digital communication tools and open and collaborative platforms could inspire and provide new solutions for fostering citizens' political participation and engagement, whilst reducing discontent with political institutions, as well as helping to increase levels of trust, transparency and accountability in the democratic system;
- H. whereas in his most recent 'state of the Union' address, President Juncker presented a package of measures to increase the use of electronic communications, including WiFi4EU and the roll-out of 5G in Europe;
- I. whereas open government data has the potential to foster economic growth, increase public sector efficiencies and improve the transparency and accountability of European and national institutions;
- J. whereas access under equal conditions to a neutral network is a prerequisite for ensuring the effectiveness of fundamental human rights;
- K. whereas e-democracy could facilitate the development of complementary forms of engagement capable of contributing to mitigating the growth of public disaffection with traditional politics; whereas, furthermore, it could help promote communication, dialogue, and awareness of and interest in our Union, its politics and its policies, therefore favouring grassroots support for the European project as well as reducing the so-called European 'democratic deficit';
- L. whereas the new forms of participation in a virtual public space are inseparable from respect for the rights and obligations linked to participation in public space, which include, for example, procedural rights in case of defamation;
- M. whereas it is indispensable, in order to guarantee the role of the web as a valid and effective democratic tool, to eradicate the digital divide and to provide citizens with adequate media literacy and digital skills;

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- N. whereas information and communication technology (ICT) systems are at the heart of modern government processes, but efforts are still needed to improve delivery of e-government services;
- O. whereas e-voting could help people living or working in a Member State of which they are not a citizen or in a third country to exercise their voting rights; whereas security and secrecy when casting and recording votes must be ensured in e-voting processes, particularly concerning the possibility of cyber-attacks;

Potential and challenges

1. Underlines the potential benefits of e-democracy, which is defined as the support and enhancement of traditional democracy by means of ICT, and which can complement and reinforce democratic processes by adding elements of citizens' empowerment through different online activities that include, amongst others, e-government, e-governance, e-deliberation, e-participation and e-voting; welcomes the fact that by means of the new information and communication tools more and more citizens can be involved in democratic processes;
2. Emphasises that Council of Europe Recommendation CM/Rec(2009)1 calls on member states to ensure that e-democracy 'promotes, ensures and enhances transparency, accountability, responsiveness, engagement, deliberation, inclusiveness, accessibility, participation, subsidiarity and social cohesion'; points out that this recommendation calls on member states to develop measures that are able to strengthen human rights, democracy and the rule of law;
3. Stresses that the purpose of e-democracy is to promote a democratic culture that enriches and reinforces democratic practices, by providing additional means to increase transparency and citizens' participation, but not to establish an alternative democratic system to detriment of representative democracy; points out that e-democracy alone does not ensure political participation, and that a non-digital environment to pursue political participation of citizens must also be addressed in parallel to e-democracy;
4. Points out the importance of e-voting and remote internet voting as systems able to widen citizens' inclusion and facilitate democratic participation, especially in areas that are geographically and socially more marginalised, offering numerous potential advantages, in particular for young people, people with reduced mobility, older people and people living or working permanently or temporarily in a Member State of which they are not a citizen or in a third country, provided that the highest possible standards of data protection are ensured; recalls that, when putting in place remote internet voting, Member States must ensure transparency and reliability of ballot counting and respect the principles of equality, secrecy of the vote, access to voting and free suffrage;
5. Stresses the need for all digital interaction processes to be grounded in the principle of institutional openness, complying with the combination of real-time transparency and informed participation;
6. Highlights and encourages the use of e-participation as a key characteristic of e-democracy, encompassing three forms of interaction between EU institutions and governments on one hand, and citizens on the other, namely: e-information, e-consultation and e-decision-making; acknowledges that many national, regional and local e-participation cases can be taken as good examples of how ICT can be used in participatory democracy; encourages Member States to further develop these practices at national and local level;
7. Stresses that ICTs contribute towards the creation of spaces for participation and discussion which, in turn, improve the quality and legitimacy of our democratic systems;
8. Stresses the need to engage young people in political debate, and notes that the use of ICT in democratic procedures can be an effective tool for that purpose;
9. Recalls the first European example of online voting in Estonia in its legally binding elections in 2005, but maintains that if the take-up of possible e-voting in other Member States is to be successful, it will be necessary to assess whether the actual participation of the whole population can be guaranteed, and also to evaluate the benefits and challenges, as well as the implications, of different or divergent technological approaches; stresses that the existence of secure, high-speed internet

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connections and secure electronic identity infrastructure are important prerequisites for the success of e-voting; underlines the need to harness the benefits of new technologies in current polling-booth voting processes, and believes that significant advances could be made through the sharing of best practice and research at all political levels;

10. Points out the challenge of responding to the citizens' concerns regarding use of online democracy tools; takes the view that addressing security concerns and guaranteeing privacy are of paramount importance for building citizens' trust in the emerging digital political arena;

11. Stresses that democratic processes require extensive debate at every level of EU society, as well as scrutiny and reflection, as being conducive to fair and full and rational deliberation; warns that there is a risk of distortion and manipulation of the outcome of deliberations of on-line discussion tools; takes the view that the best guarantee against this risk is transparency of all actors interacting and providing information on campaigns which are potentially being promoted, directly or indirectly on digital participation platforms;

12. Notes that for a functioning democracy, citizens' trust in institutions and democratic processes are a fundamental dimension; stresses, therefore, that the introduction of e-democracy tools needs to be accompanied by proper communication and education strategies;

13. Stresses the importance of embedding e-participation in the political system in order to incorporate citizens' contributions in the decision-making process and ensure follow-up; notes that a lack of responsiveness from decision-makers leads to disappointment and distrust;

14. Emphasises that the use of ICT tools should be complementary to other channels of communication with public institutions, with the aim of avoiding any kind of discrimination on the grounds of digital skills or lack of resources and infrastructures;

Proposals on improving the democratic system by means of ICT

15. Considers that participation in democratic processes is founded, first of all, on effective and non-discriminatory access to information and knowledge;

16. Calls, moreover, on the EU and the Member States to refrain from adopting unnecessary measures aimed at arbitrarily restricting access to the internet and the exercise of basic human rights, such as disproportionate censorship measures or criminalisation of the legitimate expression of criticism and dissent;

17. Calls on the Member States and the EU to provide educational and technical means for boosting the democratic empowerment of citizens and improving ICT competences, and to supply digital literacy and equal and safe digital access for all EU citizens in order to bridge the digital divide (e-inclusion), for the ultimate benefit of democracy; encourages the Member States to integrate the acquisition of digital skills into school curricula and lifelong learning, and to prioritise digital training programmes for elderly people; supports the development of networks with universities and educational institutions to promote research on and implementation of new participation tools; also calls on the EU and the Member States to promote programmes and policies aimed at developing a critical and informed appreciation of the use of ICT;

18. Proposes that further progress be made in evaluating use of new technology to improve democracy in EU administrations by incorporating, as indicators, targets measuring the quality of online services;

19. Recommends that the European Parliament, as the only directly elected institution of the European Union, take the lead in reinforcing e-democracy; considers it worthwhile, to this end, to develop innovative technological solutions which will make it possible for citizens to communicate meaningfully and share their concerns with their elected representatives;

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20. Encourages the simplification of institutional language and procedures and the organisation of multimedia content to explain the keys to the main decision-making processes, in order to promote understanding and participation; stresses the need to disseminate this gateway to e-participation through segmented proactive tools that permit access to all documents in parliamentary files;

21. Urges the Member States and the EU to deliver affordable and high-speed digital infrastructure, particularly in peripheral regions and rural and economically less developed areas, and to ensure that equality between citizens is guaranteed, paying particular attention to those citizens who are most vulnerable and providing them with skills to ensure the safe and secure use of technology; recommends that libraries, schools and buildings in which public services are provided be appropriately resourced with a high-speed, modern IT infrastructure which is equally accessible to all citizens, especially the most vulnerable categories, such as people with disabilities; points out the need to devote adequate financial and training resources to these goals; recommends to the Commission that it provide resources for projects aimed at improving digital infrastructures in the realm of the social and solidarity economy;

22. Emphasises that women are under-represented in political decision-making at all levels, as well as in ICT sectors; notes that women and girls often face gender stereotypes in relation to digital technologies; therefore calls on the Commission and Member States to invest in targeted programmes which promote ICT education and e-participation for women and girls, particularly those from vulnerable and marginalised backgrounds, using formal, informal and non-formal learning;

23. Notes that in order to ensure equal accessibility of e-Democracy tools for all citizens, multilingual translation is important when information is to be disseminated and read by all citizens, in countries with more than one official language and by those coming from different ethnic backgrounds;

24. Encourages the Member States and the EU to promote, support and implement mechanisms and instruments that enable the participation of citizens and their interaction with governments and EU institutions, such as crowdsourcing platforms; highlights that ICT should facilitate access to independent information, transparency, accountability and participation in decision-making; calls in this connection for all the Commission's communication and relations-with-citizens tools, and in particular the Europe Direct portal, to be tailored more closely to the challenges of e-democracy; commits to make all the existing tools of legislative follow-up more accessible, understandable, educational and interactive, and invites the Commission to do the same on its own website;

25. Calls on the Member States and the EU to review the content on their official sites which deals with the functioning of democracy, with the aim of providing educational tools which make it easier for young people to visit the sites in question and understand their content and of making the sites accessible to persons with a disability;

26. Encourages the administrations to reflect their commitment to the principle of institutional openness through changes to their strategic design and corporate culture, budgets, and organisational change processes that are driven by the goal of improving democracy through use of new technology;

27. Calls for an online platform to be created so that members of the public can systematically be consulted before the European legislator takes decisions, thus being involved more directly in public life;

28. Believes it essential that the deployment of these new tools is backed by campaigns promoting the possibilities they offer and the civic values of joint responsibility and participation;

29. Points to the importance of the European citizens' initiative as a means of involving the public in the political life of the EU and their direct participation therein, and therefore calls on the Commission to review the way it operates so that it can realise its full potential, in line with the recommendations made by the European Parliament in its resolution of 28 October 2015; draws attention, therefore, to the importance of simplifying and accelerating the bureaucratic requirements relating to this and of making wider use of ICT, e.g. through digital platforms and other applications compatible with mobile devices, in order to make this important tool more user-friendly and widely publicised; believes that the use of new technology could improve, in particular, the online signature collection system through the use of identification and authentication services (e-IDAS), which would allow members of the public more easily to receive and

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exchange information on existing or potential ECIs so that they can actively participate in discussions and/or support the initiatives themselves;

30. Emphasises that several Commission processes, such as online public consultations, e-participation activities and impact assessments, could benefit from a wider use of new technologies in order to encourage public participation, increase accountability in these processes and the transparency of the EU institutions, and enhance European governance; highlights the need to render public consultation processes effective and accessible to as many people as possible, while keeping technical barriers to the minimum;

31. Underlines the need for more ample information for citizens on the existing e-participation platforms at EU, national and local level;

32. Calls on the Commission to expand and develop e-participation in the mid-term review of the Digital Single Market Strategy to be launched in 2017, and to promote the development and funding of new instruments connected with e-citizenship of the European Union; recommends furthermore to the Commission that it focus on open- source solutions that can be rolled out easily across the digital single market; calls in particular on the Commission to integrate the reuse of previous projects such as the D-CENT platform, an EU-funded project providing technological tools for participative democracy;

33. Stresses that the development of e-administration should be a priority for Member States and the EU institutions and welcomes the Commission's ambitious and comprehensive e-government action plan, for which proper national implementation and coordination of available EU funding will be key, in synergy with the national digital agencies and authorities; considers that more efforts should be made to encourage open data and the use of ICT tools based on open-source and free software, in both EU institutions and Member States;

34. Calls for more cooperation at EU level and recommends the sharing of best practices for e-democracy projects as a way to move towards a form of democracy that is more participatory and deliberative and that responds to the requests and interests of the citizens and aims to involve them in decision-making processes; points out the need to know what citizens' attitudes are towards the implementation of remote internet voting; calls on the Commission to provide an independent assessment or consultation of public opinion regarding online voting, with an analysis of its strengths and weaknesses, as an additional option for citizens to cast their vote for consideration by the Member States by the end of 2018;

35. Stresses the need to protect, as a matter of priority, privacy and personal data when using e-democracy tools and to foster a more secure internet environment, particularly with regard to information and data security, including the 'right to be forgotten', and to provide guarantees against surveillance software and source verifiability; moreover, calls for further use of digital services based on key enablers such as secure and encrypted digital identity, in accordance with the EIDAS regulation; promotes safe and secure digital public registers and the validation of electronic signatures in order to prevent fraudulent multiple interactions, this being in line with European and international human rights standards and the case-law of the European Court of Human Rights and the European Court of Justice; finally underlines that security issues must not become a deterrent to the inclusion of individuals and groups in democratic processes;

36. Stresses the need to enhance democracy by means of technology that should be used in a secure environment that is safe from the misuse of technological tools (e.g. spamming bots, anonymous profiling and identity appropriation), and recalls the need to respect the highest legal standards;

37. Recalls the essential role that whistleblowers play — generally through the internet — in exposing corruption, fraud, mismanagement and other forms of wrongdoing that threaten public health and safety, financial integrity, human rights, the environment and the rule of law, while at the same time ensuring the right of the public to information;

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38. Encourages public representatives to participate actively with citizens in existing, fully independent forums, and to use new media and IT platforms with a view to stimulating discussion and exchanging opinions and proposals with citizens (e-parliament), creating a direct connection with them; calls on the political groups in the European Parliament and the European political parties to increase opportunities for public discussion and e-participation;

39. Calls on its Members and on the other EU institutions to continue enhancing transparency in their work, especially in the current challenging political context, and asks public authorities to look into the possibility of setting up digital platforms, including the latest IT tools; encourages elected representatives to use these tools and to communicate and positively engage with constituents and stakeholders on an efficient basis, with a view to informing them on EU and parliamentary activities and thus opening up the deliberation and policy-making processes and increasing awareness of European democracy;

40. Welcomes Parliament's initiatives in the field of e-participation; supports continuous efforts to strengthen Parliament's representative character, legitimacy and effectiveness, and encourages Members to make wider use of new technologies in order to develop them to their full potential, while taking into account the necessary limits imposed by the right to privacy and to personal data protection; points out the need for a broad reflection process on how to improve the use of ICT by its Members, not only for engaging with the public but also regarding legislation, petitions, consultations and other aspects relevant to their daily work;

41. Encourages political parties at EU and national level to make the most out of digital tools in order to develop new ways to promote internal democracy, including transparency in their management, financing, and decision-making processes, and in order to allow better communication with and participation of their members and supporters and civil society; also encourages them to be highly transparent and accountable towards citizens; suggests to this end that possible modifications be considered to the Statute of European political parties and that these cover and promote e-participation practices;

42. Calls on the EU and its institutions to be open to more experimentation with new e-participation methods such as crowdsourcing, at EU level and at national, regional and local level, taking into account the best practices already developed within the Member States and, to this end, to launch specific pilot projects; reiterates at the same time the need to complement such measures with awareness-raising campaigns in order to explain the possibilities of these tools;

43. Calls on the European institutions to launch a participatory process in order to elaborate a European Charter of Internet Rights, taking as reference, among other texts, the Declaration of Internet Rights published by Italy's Chamber of Deputies on 28 July 2015, in order to promote and guarantee all the rights pertaining to the digital sphere, among them the genuine right of access to the internet and net neutrality;

44. Notes the abundance of heterogeneous information that can be found on the internet today, and stresses that citizens' capacity for critical thinking should be strengthened so that they are able to better discern between reliable and non-reliable sources of information; encourages Member States, therefore, to adapt and update legislation to address ongoing developments, and fully implement and enforce existing legislation on hate speech, both offline and online, whilst guaranteeing fundamental and constitutional rights; stresses that the Union and its Member States should develop actions and policies for strengthening transferable, critical and creative thinking skills and digital and media literacy, as well as inclusion and curiosity among their citizens, especially young people, so that they will be able to make informed decisions and contribute positively to democratic processes;

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45. 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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II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN PARLIAMENT

P8_TA(2017)0056

Request for the waiver of the immunity of Marine Le Pen**European Parliament decision of 2 March 2017 on the request for waiver of the immunity of Marine Le Pen (2016/2295(IMM))**

(2018/C 263/22)

The European Parliament,

- having regard to the request for waiver of the immunity of Marine Le Pen forwarded on 5 October 2016 by Jean-Jacques Urvoas, French Minister of Justice, in connection with an investigation being conducted by the Nanterre Regional Court into the posting by Ms Le Pen of violent Islamist images on her Twitter account,
 - having heard Jean-François Jalkh, representing Marine Le Pen, in accordance with Rule 9(6) of its Rules of Procedure,
 - having regard to Articles 8 and 9 of Protocol No 7 on the Privileges and Immunities of the European Union and to 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 ⁽¹⁾,
 - having regard to Article 26 of the Constitution of the French Republic,
 - 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 (A8-0047/2017),
- A. whereas the French judicial authorities have requested that the immunity of Marine Le Pen, Member of the European Parliament and Chair of the Front National (FN) party, should be waived in connection with proceedings relating to the posting on her Twitter account, on 16 December 2015, of violent images showing the murder of three hostages by the terrorist group Daesh, together with the comment ‘*This is Daesh*’, following an interview broadcast on RMC in which a comparison was drawn between the rise of the FN and the activities of Daesh;

⁽¹⁾ 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.

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- B. whereas it is the established practice of the European Parliament that immunity may be waived where opinions expressed and/or images that are the subject of legal action have no clear or direct connection with the performance of parliamentary duties by the Member of the European Parliament against whom proceedings are being brought and do not constitute opinions expressed or votes cast in the performance of those duties, within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union and Article 26 of the Constitution of the French Republic;
 - C. whereas, furthermore, Article 9 of that Protocol stipulates that Members of the European Parliament 'shall enjoy, in the territory of their own State, the immunities accorded to members of their parliament';
 - D. whereas the dissemination of violent images likely to undermine human dignity is an offence covered by Articles 227-24, 227-29 and 227-31 of the Criminal Code of the French Republic;
 - E. whereas Article 6-1 of French Law No 2004-575 of 21 June 2004 on confidence in the digital economy, transposing Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market ('Directive on electronic commerce'), covers the activities of information society service providers, not individuals;
 - F. whereas, although the images posted by Ms Le Pen can be accessed by anyone via Google and have been widely reposted on the internet since they appeared on her Twitter account, this does not alter the fact that their violent nature is likely to undermine human dignity;
 - G. whereas the family of the hostage James Foley asked for the three photographs to be removed on 17 December 2015, i.e. following an intervention by the judicial authorities, and whereas, in response to that request, Marine Le Pen removed only the photograph of James Foley;
 - H. whereas the speed at which legal proceedings have been taken against Marine Le Pen is comparable to the pace of other proceedings in matters relating to the press and other media, and whereas there therefore is no reason to suspect that this may be a case of '*fumus persecutionis*', i.e. a situation in which there are signs or evidence of an intent to damage a Member's political activity;
 - I. whereas Article 26 of the Constitution of the French Republic stipulates that no member of parliament may be arrested for a crime or be the subject of any other custodial or semi-custodial measure without the authorisation of the parliament;
 - J. whereas it is not for the European Parliament to take a stance on the guilt or otherwise of the Member or whether the acts attributed to her warrant the opening of criminal proceedings;
 - 1. Decides to waive the immunity of Marine Le Pen;
 - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the French Republic and to Marine Le Pen.
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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P8_TA(2017)0057

EU-Lebanon Euro-Mediterranean Agreement (accession of Croatia) ***

European Parliament legislative resolution of 2 March 2017 on the draft Council decision on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Croatia to the European Union (05748/2016 — C8-0171/2016 — 2015/0292(NLE))

(Consent)

(2018/C 263/23)

The European Parliament,

- having regard to the draft Council decision (05748/2016),
 - having regard to the draft Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon of the other part, to take account of the accession of the Republic of Croatia to the European Union (05750/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 217 and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C8-0171/2016),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs (A8-0027/2017),
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 Republic of Lebanon.
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Thursday 2 March 2017

P8_TA(2017)0058

EU-Liechtenstein Agreement on supplementary rules in relation to the instrument for financial support for external borders and visa ***

European Parliament legislative resolution of 2 March 2017 on the draft Council decision on the conclusion on behalf of the European Union of the Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 (12852/2016 — C8-0515/2016 — 2016/0247(NLE))

(Consent)

(2018/C 263/24)

The European Parliament,

- having regard to the draft Council decision (12852/2016),
 - having regard to the draft Agreement between the European Union and the Principality of Liechtenstein on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020 (12881/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0515/2016),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0025/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Principality of Liechtenstein.
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Thursday 2 March 2017

P8_TA(2017)0059

Information exchange mechanism with regard to intergovernmental agreements and non-binding instruments in the field of energy *I**

European Parliament legislative resolution of 2 March 2017 on the proposal for a decision of the European Parliament and of the Council on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU (COM(2016)0053 — C8-0034/2016 — 2016/0031(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/25)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0053),
 - having regard to Article 294(2) and Article 194(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0034/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, the Maltese Parliament, the Austrian Federal Council and the Portuguese 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 21 September 2016 ⁽¹⁾,
 - having regard to the undertaking given by the Council representative by letter of 16 December 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 Industry, Research and Energy and the opinions of the Committee on Foreign Affairs and the Committee on International Trade (A8-0305/2016),
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.

P8_TC1-COD(2016)0031

Position of the European Parliament adopted at first reading on 2 March 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2017/684.)

⁽¹⁾ OJ C 487, 28.12.2016, p. 81.

Tuesday 14 March 2017

P8_TA(2017)0066

Mercury *I**

European Parliament legislative resolution of 14 March 2017 on the proposal for a regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008 (COM(2016)0039 — C8-0021/2016 — 2016/0023(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/26)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0039),
 - having regard to Article 294(2) and Articles 192(1) and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0021/2016),
 - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
 - having regard to Article 294(3) and Article 192(1) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 May 2016 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the responsible committee and the undertaking given by the Council representative by letter of 16 December 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 39 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A8-0313/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Approves the statement by Parliament annexed to this resolution;
 3. Takes note of the statement by the Commission annexed to this resolution;
 4. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0023

Position of the European Parliament adopted at first reading on 14 March 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/852.)

⁽¹⁾ OJ C 303, 19.8.2016, p. 122.

Tuesday 14 March 2017

ANNEX TO THE LEGISLATIVE RESOLUTION

**STATEMENT BY THE EUROPEAN PARLIAMENT ON THE DRAFT REGULATION ON MERCURY AND
REPEALING REGULATION (EC) No 1102/2008 (2016/0023(COD))**

The European Parliament's acceptance of implementing acts for authorisations of new products or processes in the context of the interinstitutional negotiations on the proposal for a regulation on mercury (2016/0023(COD)) may not be taken as a precedent for similar files and does not prejudice the upcoming inter-institutional negotiations on delineation criteria for the use of delegated and implementing acts.

STATEMENT BY THE EUROPEAN COMMISSION ON INTERNATIONAL COOPERATION ON MERCURY

The Minamata convention and the new Mercury Regulation are major contributions to protecting citizens from mercury pollution globally and in the EU.

International cooperation should be sustained to ensure successful implementation of the Convention by all Parties and further strengthen its provisions.

The European Commission is therefore committed to supporting continued cooperation, in accordance with the Convention and subject to applicable EU policies, rules and procedures, inter alia undertaking work in the following areas:

- Narrowing the gap between EU law and the provisions of the Convention through the review clause of the list of prohibited mercury-added products;
 - In the context of the provisions of the Convention on financing, capacity building and technology transfer, activities such as improving traceability of mercury trade and use, promoting certification of mercury-free artisanal and small-scale gold mining and mercury-free labels for gold, and increasing the capacity of developing countries including in the area of mercury waste management.
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Tuesday 14 March 2017

P8_TA(2017)0067

Long-term shareholder engagement and corporate governance statement *I**

European Parliament legislative resolution of 14 March 2017 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 (COM(2014)0213 — C7-0147/2014 — 2014/0121(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/27)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0213),
 - having regard to Article 294(2) and Articles 50 and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0147/2014),
 - 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 9 July 2014 ⁽¹⁾,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 16 December 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 Legal Affairs and the opinion of the Committee on Economic and Monetary Affairs (A8-0158/2015),
1. Adopts its position at first reading hereinafter set out ⁽²⁾;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0121

Position of the European Parliament adopted at first reading on 14 March 2017 with a view to the adoption of Directive (EU) 2017/... of the European Parliament and of the Council amending Directive 2007/36/EC as regards the encouragement of long-term shareholder engagement

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/828.)

⁽¹⁾ OJ C 451, 16.12.2014, p. 87.

⁽²⁾ This position replaces the amendments adopted on 8 July 2015 (Texts adopted, P8_TA(2015)0257).

Tuesday 14 March 2017

P8_TA(2017)0068

Control of the acquisition and possession of weapons *I**

European Parliament legislative resolution of 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons (COM(2015)0750 — C8-0358/2015 — 2015/0269(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/28)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0750),
 - 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 (C8-0358/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Polish Senate and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 27 April 2016 ⁽¹⁾,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 December 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 the Internal Market and Consumer Protection and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0251/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Takes note of the Commission statement annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 264, 20.7.2016, p. 77.

Tuesday 14 March 2017

P8_TC1-COD(2015)0269

Position of the European Parliament adopted at first reading on 14 March 2017 with a view to the adoption of Directive (EU) 2017/... of the European Parliament and of the Council amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive (EU) 2017/853.)

Tuesday 14 March 2017

ANNEX TO THE LEGISLATIVE RESOLUTION**COMMISSION STATEMENT**

The Commission recognises the importance of a well-functioning standard for deactivation, which contributes to improved levels of safety and gives authorities reassurance that deactivated weapons are properly and effectively deactivated.

The Commission will, therefore, accelerate the work on the revision of the deactivation criteria conducted by national experts in the Committee established under Directive 91/477/EEC in order to allow the Commission to adopt, by the end of May 2017, in accordance with the committee procedure established by Directive 91/477/EEC, subject to a positive opinion by national experts, a Commission Implementing Regulation amending Commission Implementing Regulation (EU) 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable. The Commission calls on the Member States to fully support the acceleration of this work.

Tuesday 14 March 2017

P8_TA(2017)0069

End-of-life vehicles, waste batteries and accumulators and waste electrical and electronic equipment ***I

Amendments adopted by the European Parliament on 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment (COM(2015)0593 — C8-0383/2015 — 2015/0272(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 263/29)

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and **rational utilisation** of natural resources and promoting **a more** circular economy.

Amendment

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and **efficient use** of natural resources and promoting **the principles of the** circular economy.

Amendment 2

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1a) **A clean, effective and sustainable circular economy requires the removal of hazardous substances from products at the design stage and in this context circular economy should recognise explicit provisions in the Seventh Environment Action Programme which calls for the development of non-toxic material cycles so that recycled waste can be used as a major, reliable source of raw material for the Union.**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0013/2017).

Tuesday 14 March 2017

Amendment 3
Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

- (1b) *It is necessary to ensure the effective and low energy consumption management of secondary raw materials, and priority should be given to R&D efforts towards that objective. The Commission should also consider putting forward a proposal on the classification of waste to support the creation of a Union secondary raw materials market.*

Amendment 4
Proposal for a directive
Recital 1 c (new)

Text proposed by the Commission

Amendment

- (1c) *Once recycled material re-enters the economy as it receives end-of-waste status, either by complying with specific end-of-waste criteria or being incorporated in a new product, it is required to be fully compliant with Union chemicals legislation.*

Amendment 5
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) *The industrial landscape has substantially changed in recent years, as a result of technology advances and of increasing globalised flows of merchandise. Those factors pose new challenges to the management and treatment of waste that is environmentally responsible that should be addressed by a combination of increased research efforts and of targeted regulatory tools. Planned obsolescence is an expanding issue, intrinsically contradictory with the goals of a circular economy, and therefore should be addressed with the objective of rooting it out, through a concerted effort of all main stakeholders, industry, customers and regulatory authorities.*

Tuesday 14 March 2017

Amendment 6
Proposal for a directive
Recital 3

Text proposed by the Commission

- (3) **Statistical data** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **statistics** should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report.

Amendment

- (3) **Data and information** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **reported data** should be improved by **establishing a common methodology for collection and processing of data based on reliable sources and by** introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. **Reliable reporting of data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when reporting on the achievement of the targets set out in these Directives, Member States should use the common methodology developed by the Commission in cooperation with the national statistical offices of Member States and the national authorities responsible for waste management.**

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

Text proposed by the Commission

Amendment

- (3a) **Member States should ensure that the separate collection of Waste Electrical and Electronic Equipment (WEEE) is followed by proper treatment. To ensure a level playing field and compliance with waste legislation and the concept of the circular economy, the Commission should develop common standards for the treatment of WEEE, as mandated by Directive 2012/19/EU.**

Tuesday 14 March 2017

Amendment 8
Proposal for a directive
Recital 4

Text proposed by the Commission

- (4) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among a level playing field between Member States. Therefore, when preparing the reports on compliance with the targets set out in these Directives, Member States should be required to use the **most recent methodology** developed by the Commission **and** the national statistical offices of the Member States.

Amendment

- (4) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among a level playing field between Member States. Therefore, when preparing the reports on compliance with the targets set out in these Directives, Member States should be required to use the **common methodology for data collection and processing** developed by the Commission **in cooperation with** the national statistical offices of the Member States.

Amendment 9
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) ***In order to help achieve the targets laid down in this Directive and to help boost the transition to a circular economy, the Commission should promote the coordination and exchange of information and best practices between Member States and between different sectors of the economy. That exchange could be facilitated through communication platforms that could help raise awareness of new industrial solutions and allow for a better overview of available capacities and would contribute to connecting the waste industry and other sectors and to support industrial symbiosis.***

Tuesday 14 March 2017

Amendment 10
Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) *The waste hierarchy laid down in Directive 2008/98/EC applies as an order of priority in Union waste prevention and management law. That hierarchy therefore applies in the context of end-of-life vehicles, batteries and accumulators and waste batteries and accumulators, and waste electrical and electronic equipment. When complying with the objective of this Directive, Member States should take the necessary measures to take the waste hierarchy priorities into account and ensure the practical implementation of those priorities.*

Amendment 11
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) *Since there is a growing need to handle and recycle waste within the Union, in line with the circular economy, emphasis should be given to ensuring that the shipment of waste is in line with the principles and requirements of Union environmental law, in particular the principle of proximity, priority for recovery and self-sufficiency. The Commission should examine the desirability of introducing a one-stop-shop for the administrative procedure for shipments of waste, with a view to reducing administrative burdens. Member States should take the necessary measures to prevent illegal shipment of waste.*

Tuesday 14 March 2017

Amendment 12
Proposal for a directive
Recital 7a (new)

Text proposed by the Commission

Amendment

- (7a) *In order to supplement certain non-essential elements of Directive 2000/53/EC and Directive 2012/19/EU, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the common methodology for data collection and processing and of the format for reporting data concerning the implementation of reuse and recovery targets for end-of-life vehicles under Directive 2000/53/EC and the methodology for data collection and processing and the format for reporting data concerning the implementation of the targets laid down for collection and recovery of electrical and electronic equipment under Directive 2012/19/EU. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

Tuesday 14 March 2017

Amendment 13
Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

- (7b) *In order to lay down the methodology for data collection and processing and the format for reporting data for batteries and accumulators and waste batteries and accumulators, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

Amendment 14
Proposal for a directive
Article 1 — paragraph - 1 (new)
 Directive 2000/53/EC
 Article 6 — paragraph 1

Present text

Amendment

In Article 6, paragraph 1 is replaced by the following:

'1. Member States shall take the necessary measures to ensure that all end-of life vehicles are stored (even temporarily) and treated in accordance with the general requirements laid down in Article 4 of Directive 75/442/EEC, and in compliance with the minimum technical requirements set out in Annex I to this Directive, without prejudice to national regulations on health and environment.'

'1. Member States shall take the necessary measures to ensure that all end-of life vehicles are stored (even temporarily) and treated in accordance with **the waste hierarchy priorities and** the general requirements laid down in Article 4 of Directive 75/442/EEC, and in compliance with the minimum technical requirements set out in Annex I to this Directive, without prejudice to national regulations on health and environment.'

Tuesday 14 March 2017

Amendment 15**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2000/53/EC

Article 9 — paragraph 1 a

Text proposed by the Commission

1a. Member States shall report the data concerning the implementation of Article 7(2) for each calendar year to the Commission. They shall **report** this data electronically within **18** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 1d. **The first report shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].**

Amendment

1a. Member States shall report the data concerning the implementation of Article 7(2) for each calendar year to the Commission. They shall **collect and process** this data **in accordance with the common methodology referred to in paragraph 1d of this Article and report it** electronically within **12** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 1d.

Amendment 16**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2000/53/EC

Article 9 — paragraph 1 c

Text proposed by the Commission

1c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. **The** report shall assess **of** the organisation of the data collection, the sources of data and the methodology used in Member States **as well as the** completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Amendment

1c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. **Until the common methodology for data collection and processing referred to in paragraph 1d is established, the** report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States. **The Commission shall also assess** the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Tuesday 14 March 2017

Amendment 17**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2000/53/EC

Article 9 — paragraph 1 ca (new)

Text proposed by the Commission

Amendment

1ca. In the report, the Commission may include information about the implementation of this Directive as a whole and its impact on the environment and human health. If appropriate, a legislative proposal to amend this Directive shall accompany that report.

Amendment 18**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2000/53/EC

Article 9 — paragraph 1 d

Text proposed by the Commission

Amendment

1d. The Commission shall adopt **implementing** acts laying down the format for reporting data in accordance with paragraph 1a. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).**

1d. The Commission shall adopt **delegated** acts **in order to supplement this Directive by** laying down the **common methodology for data collection and processing and** the format for reporting data in accordance with paragraph 1a.

Tuesday 14 March 2017

Amendment 19**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 2000/53/EC

Article 9 — paragraph 1 da (new)

Text proposed by the Commission

Amendment

1da. By 31 December 2018, in the context of the Circular Economy Action Plan and in view of the Union's commitment to make the transition towards a circular economy, the Commission shall review this Directive as a whole and in particular its scope and the targets, based on an impact assessment and shall take into account the Union's circular economy policy objectives and initiatives. A special focus shall be on shipments of used vehicles that are suspected to be end-of-life vehicles. For that purpose, the Correspondents' Guidelines No 9 on shipments of end-of-life vehicles shall be used. The Commission shall also examine the possibility of setting resource specific targets, in particular for critical raw materials. That review shall be accompanied by a legislative proposal, if appropriate.

Amendment 20**Proposal for a directive****Article 1 — paragraph 1 a (new)**

Directive 2000/53/EC

Article 9 a (new)

Text proposed by the Commission

Amendment

The following Article is inserted:

'Article 9a

Instruments to promote a shift to a more circular economy

In order to contribute to the objectives laid down in this Directive, Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those indicated in Annex IVa in Directive 2008/98/EC.'

Tuesday 14 March 2017

Amendment 21**Proposal for a directive****Article 2 — paragraph 1 — point 1 a (new)**

Directive 2006/66/EC

Article 22 a (new)

*Text proposed by the Commission**Amendment***(1a) The following Article is inserted:****'Article 22a****Data**

1. *The data reported by the Member State in accordance with Articles 10 and 12 shall be accompanied by a quality check report.*
2. *The Commission shall adopt delegated acts in accordance with Article 23a in order to supplement this Directive by establishing methodology for data collection and processing and the format of reporting.'*

Amendment 22**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point -a (new)**

Directive 2006/66/EC

Article 23 — title

*Present text**Amendment***(-a) In Article 23, the title is replaced by the following:****'Review'****'Reporting and review'****Amendment 23****Proposal for a directive****Article 2 — paragraph 1 — point 2 — point a**

Directive 2006/66/EC

Article 23 –paragraph 1

*Text proposed by the Commission**Amendment*

1. The Commission shall draw up a report on the implementation of this Directive and its impact on the environment and the functioning of the internal market by the end of 2016 at the latest.

1. The Commission shall draw up a report on the implementation of this Directive and its impact on the environment and the functioning of the internal market by the end of 2016 at the latest **and once every three years thereafter.**

Tuesday 14 March 2017

Amendment 24**Proposal for a directive****Article 2 — paragraph 1 — point 2 — point b a (new)**

Directive 2006/66/EC

Article 23 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is added:

‘3a. By 31 December 2018, in the context of Circular Economy Action Plan and in view of the Union’s commitment to make the transition towards a circular economy, the Commission shall review this Directive as a whole and in particular its scope and the targets, based on an impact assessment. That review shall take into account the Union’s circular economy policy objectives and initiatives, and the technical development of new types of batteries that do not use hazardous substances, in particular no heavy or other metals or metal ions. The Commission shall also examine the possibility of setting resource specific targets, in particular for critical raw materials. That review shall be accompanied by a legislative proposal, if appropriate.’

Amendment 25**Proposal for a directive****Article 2 — paragraph 1 — point 2 a (new)**

Directive 2006/66/EC

Article 23 aa (new)

Text proposed by the Commission

Amendment

(2a) The following Article is inserted:**‘Article 23aa**

Instruments to promote a shift to a more circular economy

In order to contribute to the objectives laid down in this Directive, Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those indicated in Annex IVa in Directive 2008/98/EC.’

Tuesday 14 March 2017

Amendment 27

Proposal for a directive

Article 3 — paragraph 1 — point - 1 (new)

Directive 2012/19/EU

Article 8 — paragraph 5 — subparagraph 4

Present text

Amendment

(-1) **In Article 8 paragraph 5, subparagraph 4 is replaced by the following:**

'In order to ensure uniform conditions for the implementation of this Article, the Commission **may** adopt implementing acts laying down minimum quality standards **based in particular on the standards developed by the European standardisation organisations**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).'

'In order to ensure uniform conditions for the implementation of this Article, **and in line with the mandate in Directive 2012/19/EU**, the Commission **shall** adopt implementing acts laying down minimum quality standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 21(2).'

Amendment 28

Proposal for a directive

Article 3 — paragraph 1 — point 1 — point b

Directive 2012/19/EU

Article 16 — paragraph 5a

Text proposed by the Commission

Amendment

5a. Member States shall report the data concerning the implementation of Article 16(4) for each calendar year to the Commission. They shall **report** this data electronically within **18** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 5d. **The first report shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].**

5a. Member States shall report the data concerning the implementation of Article 16(4) for each calendar year to the Commission. They shall **collect and process** this data **in accordance with the common methodology referred to paragraph 5d of this Article and report it** electronically within **12** months of the end of the reporting year for which the data are collected. **Member States shall ensure that data from all actors collecting or treating WEEE are reported.** The data shall be reported in the format established by the Commission in accordance with paragraph 5d.

Tuesday 14 March 2017

Amendment 29**Proposal for a directive****Article 3 — paragraph 1 — point 1 — point b**

Directive 2012/19/EU

Article 16 — paragraph 5c

Text proposed by the Commission

5c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. **The** report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States **as well as the** completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Amendment

5c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. **Until the common methodology for data collection and processing referred to in paragraph 5d is established, the** report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States. **The Commission shall also assess** the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Amendment 30**Proposal for a directive****Article 3 — paragraph 1 — point 1 — point b**

Directive 2012/19/EU

Article 16 — paragraph 5ca (new)

*Text proposed by the Commission**Amendment*

5ca. In the report, the Commission shall include information about the implementation of the Directive as a whole and its impact on the environment and human health. If appropriate, a legislative proposal to amend this Directive shall accompany that report.

Amendment 31**Proposal for a directive****Article 3 — paragraph 1 — point 1 — point b**

Directive 2012/19/EU

Article 16 — paragraph 5 d

Text proposed by the Commission

5d. The Commission shall adopt **implementing** acts laying down the format for reporting data in accordance with paragraph 5a. Those **implementing** acts shall be adopted in accordance with the procedure referred to in Article 21(2).

Amendment

5d. The Commission shall adopt **delegated** acts **in accordance with Article 20 in order to supplement this Directive by** laying down the **common methodology for data collection and processing and the** format for reporting data in accordance with paragraph 5a.

Tuesday 14 March 2017

Amendment 32**Proposal for a directive****Article 3 — paragraph 1 — point 1 — point b**

Directive 2012/19/EU

Article 16 — paragraph 5 da (new)

Text proposed by the Commission

Amendment

5da. During the review referred to in paragraph 5c, in the context of Circular Economy Action Plan and in view of the Union's commitment to make the transition towards a circular economy, the Commission shall review this Directive as a whole and in particular its scope and the targets, based on an impact assessment and take into account the Union's circular economy policy objectives and initiatives. The Commission shall examine the possibility of setting resource specific targets, in particular for critical raw materials. That review shall be accompanied by a legislative proposal, if appropriate.

Amendment 33**Proposal for a directive****Article 3 — paragraph 1 — point 1 a (new)**

Directive 2012/19/EU

Article 16 a (new)

Text proposed by the Commission

Amendment

(1a) The following Article is inserted:

'Article 16a

Instruments to promote a shift to a more circular economy

In order to contribute to the objectives laid down in this Directive, Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those indicated in Annex IVa in Directive 2008/98/EC.'

Tuesday 14 March 2017

P8_TA(2017)0070

Waste *I**

Amendments adopted by the European Parliament on 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste (COM(2015)0595 — C8-0382/2015 — 2015/0275(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 263/30)

Amendment 1**Proposal for a directive****Recital - 1 (new)**

Text proposed by the Commission

Amendment

- (-1) *The aim of this Directive is to lay down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, by reducing overall impacts of resource use and improving the efficiency of such use and by ensuring waste is valued as a resource with a view to contributing to a circular economy in the Union.*

Amendment 2**Proposal for a directive****Recital - 1 a (new)**

Text proposed by the Commission

Amendment

- (-1a) *In view of the Union's dependence on the import of raw materials and the rapid depletion of a significant amount of natural resources over the short term, it is a key challenge to reclaim as many resources as possible within the Union and to enhance the transition towards a circular economy.*

Amendment 3**Proposal for a directive****Recital - 1 b (new)**

Text proposed by the Commission

Amendment

- (-1b) *The circular economy offers important opportunities for local economies and offers the potential to create a win-win situation for all stakeholders involved.*

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0034/2017).

Tuesday 14 March 2017

Amendment 4
Proposal for a directive
Recital - 1 c (new)

Text proposed by the Commission

Amendment

- (-1c) **Waste management should be transformed into sustainable material management. The revision of Directive 2008/98/EC offers an opportunity to that end.**

Amendment 5
Proposal for a directive
Recital - 1 d (new)

Text proposed by the Commission

Amendment

- (-1d) **In order to move successfully towards a circular economy, the full implementation of the action plan on ‘Closing the loop — An EU action plan for the Circular Economy’ is necessary in addition to the revision and full implementation of the Waste Directives. The action plan should also increase the coherence, consistency and synergies between the circular economy and energy, climate, agriculture, industry and research policies.**

Amendment 6
Proposal for a directive
Recital - 1 e (new)

Text proposed by the Commission

Amendment

- (-1e) **On 9 July 2015, the European Parliament adopted a resolution on ‘Resource efficiency: moving towards a circular economy’^(1a) in which it stressed in particular the need to set binding waste reduction targets, develop waste prevention measures and lay down clear and unambiguous definitions.**

^(1a) *Texts adopted, P8_TA(2015)0266.*

Tuesday 14 March 2017

Amendment 7
Proposal for a directive
Recital 1

Text proposed by the Commission

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and **rational** utilisation of natural resources **and** promoting **a more** circular economy.

Amendment

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and **efficient** utilisation of natural resources, promoting **the principles of the** circular economy, **enhancing the diffusion of renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources, providing new economic opportunities and long-term competitiveness. In order to make the economy truly circular, it is necessary to take additional measures on sustainable production and consumption, focusing on the whole life cycle of products in a way that preserves resources and closes the loop. Using resources more efficiently would also bring substantial net savings for Union businesses, public authorities and consumers while reducing total annual greenhouse gas emissions.**

Amendment 8
Proposal for a directive
Recital 1 a (new)

*Text proposed by the Commission**Amendment*

- (1a) **Increased efforts to move towards a circular economy could generate a two to four per cent reduction of greenhouse gas emissions per year, offering a clear incentive to invest in a circular economy. Raising resource productivity through improved efficiency and reducing resource waste can greatly lower both resource consumption and greenhouse gases emissions. Therefore, circular economy should be an integral part of climate policy as it creates synergies as highlighted in the reports of the International Resource Panel.**

Tuesday 14 March 2017

Amendment 9
Proposal for a directive
Recital 1 b (new)

Text proposed by the Commission

Amendment

- (1b) *The circular economy should take into account explicit provisions in the 7th Environment Action Programme, which calls for the development of non-toxic material cycles so that recycled waste can be used as a major and reliable source of raw material for the Union.*

Amendment 10
Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

- (2) The targets laid down in Directive 2008/98/EC of the European Parliament and of the Council ⁽¹⁴⁾ for preparing for re-use and recycling of waste should be **amended** to make them better reflect the Union's ambition to move to a circular economy.

⁽¹⁴⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

- (2) The targets laid down in Directive 2008/98/EC of the European Parliament and of the Council ⁽¹⁴⁾ for preparing for re-use and recycling of waste should be **increased** to make them better reflect the Union's ambition to move to a **resource efficient** circular economy, **by taking the necessary measures to ensure that waste is considered as a useful resource.**

⁽¹⁴⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Tuesday 14 March 2017

Amendment 11
Proposal for a directive
Recital 3

Text proposed by the Commission

- (3) Many Member States have yet to develop the necessary waste management infrastructure. It is therefore essential to set long-term policy objectives in order to guide measures and investments, notably by preventing the creation of structural overcapacities for the treatment of residual waste and lock-ins of recyclable materials at the **bottom** of the waste hierarchy.

Amendment

- (3) Many Member States have yet to develop the necessary waste management infrastructure. It is therefore essential to set long-term policy objectives **and to grant financial and political support** in order to guide measures and investments, notably by preventing the creation of structural overcapacities for the treatment of residual waste, and lock-ins of recyclable materials at the **lower levels** of the waste hierarchy. ***In that context, in order to meet the relevant targets, it is essential to use the European Structural and Investment Funds to finance the development of the waste management infrastructure needed for prevention, re-use and recycling. It is also essential for Member States to amend their existing waste prevention programmes in accordance with this Directive and to adapt their investments accordingly.***

Tuesday 14 March 2017

Amendment 12
Proposal for a directive
Recital 4

Text proposed by the Commission

- (4) Municipal waste constitutes approximately between 7 and 10 % of the total waste generated in the Union; however, this waste stream is amongst the most complex ones to manage, and the way it is managed generally gives a good indication of the quality of the overall waste management system in a country. The challenges of municipal waste management result from its highly complex and mixed composition, direct proximity of the generated waste to citizens, **and** a very high public visibility. As a result, its management involves a need for a highly complex waste management system including an efficient collection scheme, a need to actively engage citizens and businesses, a need for infrastructure adjusted to the specific waste composition, and an elaborate financing system. Countries which have developed efficient municipal waste management systems generally perform better in overall waste management.

Amendment

- (4) Municipal waste constitutes approximately between 7 and 10 % of the total waste generated in the Union; however, this waste stream is amongst the most complex ones to manage, and the way it is managed generally gives a good indication of the quality of the overall waste management system in a country. The challenges of municipal waste management result from its highly complex and mixed composition, direct proximity of the generated waste to citizens, a very high public visibility **and its impact on the environment and human health**. As a result, its management involves a need for a highly complex waste management system including an efficient collection scheme, **an effective sorting system, a proper tracing of waste streams**, a need to actively engage citizens and businesses, a need for infrastructure adjusted to the specific waste composition, and an elaborate financing system. Countries which have developed efficient municipal waste management systems generally perform better in overall waste management, **including the achievement of the recycling targets. However, proper management of municipal waste alone is not enough to boost the transition to a circular economy in which waste is considered a resource. A life-cycle approach to products and waste is necessary to ignite this transition.**

Amendment 13
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) Experience has shown that both publicly and privately run systems can help to achieve a circular economy system, and the decision of whether or not to use a given system frequently depends on geographical and structural conditions. The rules laid down in this Directive allow both for a system whereby the municipality has the general responsibility for collecting municipal waste and for a system in which such services are contracted out to private operators. The choice to switch between those systems should be the responsibility of the Member States.

Tuesday 14 March 2017

Amendment 14
Proposal for a directive
Recital 5

Text proposed by the Commission

- (5) Definitions of municipal waste, construction and demolition waste, **the** final recycling process, **and** backfilling need to be included in Directive 2008/98/EC so that the scope of these concepts is clarified.

Amendment

- (5) Definitions of municipal waste, **commercial and industrial waste**, construction and demolition waste, **preparation for re-use operator, organic recycling**, final recycling process, backfilling, **sorting, litter and food waste** need to be included in Directive 2008/98/EC so that the scope of these concepts is clarified.

Amendment 15
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5a) **Based on Member State notifications and developments in the case-law of the Court of Justice of the European Union, the Commission should periodically review the Guidance on the interpretation of the key provisions of Directive 2008/98/EC, in order to improve, align and harmonise the concepts of waste and by-products across Member States.**

Tuesday 14 March 2017

Amendment 16
Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) *The coherence between Directive 2008/98/EC and related Union legislative acts such as Directive 2009/28/EC of the European Parliament and of the Council ^(1a) and Regulation (EC) No 1907/2006 of the European Parliament and of the Council ^(1b) needs to be ensured. In particular, coherent interpretation and application of the definitions of ‘waste’, ‘waste hierarchy’ and ‘by-product’ needs to be ensured under those legislative acts.*

^(1a) 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 (OJ L 140, 5.6.2009, p. 16).

^(1b) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Amendment 17
Proposal for a directive
Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) *Hazardous and non-hazardous waste should be identified in accordance with Commission Decision 2014/955/EU ^(1a) and Commission Regulation (EU) No 1357/2014 ^(1b).*

^(1a) Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council (OJ L 370, 30.12.2014, p. 44).

^(1b) Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 365, 19.12.2014, p. 89).

Tuesday 14 March 2017

Amendment 18
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) To ensure that recycling targets are based on reliable and comparable data and to enable more effective monitoring of progress in attaining those targets, the definition of municipal waste in Directive 2008/98/EC should be **in line** with the definition used for statistical purposes by the European Statistical Office and the Organisation for Economic Co-operation and Development, on the basis of which Member States have been reporting data for several years. The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste.

Amendment

- (6) To ensure that recycling targets are based on reliable and comparable data and to enable more effective monitoring of progress in attaining those targets, the definition of municipal waste in Directive 2008/98/EC should be **aligned to** the definition used for statistical purposes by the European Statistical Office and the Organisation for Economic Co-operation and Development, on the basis of which Member States have been reporting data for several years. The definition of municipal waste in this Directive is neutral with regard to the public or private status of the operator managing waste.

Amendment 19
Proposal for a directive
Recital 7

Text proposed by the Commission

- (7) Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means of financial incentives aimed at achieving the waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay as you throw schemes, extended producer responsibility schemes and incentives for local authorities.

Amendment

- (7) Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means of financial, **economic and regulatory** incentives aimed at achieving the waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay as you throw schemes, extended producer responsibility schemes, **facilitation of food donation** and incentives for local authorities. **In order to contribute to the objectives laid down in this Directive, Member States are able to make use of economic instruments or measures such as those set out in the indicative list in the Annex to this Directive. Member States should also take measures to help achieve a high quality of sorted materials.**

Tuesday 14 March 2017

Amendment 20
Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

- (7a) *Member States should introduce measures to encourage the development, production and marketing of products that are suitable for multiple use, that are technically durable and easily repairable and that are, after having become waste and been prepared for re-use or recycled, suitable to be placed on the market in order to facilitate proper implementation of the waste hierarchy. Those measures should take into account the impact of products throughout their life cycle and the waste hierarchy.*

Amendment 21
Proposal for a directive
Recital 8

Text proposed by the Commission

Amendment

- (8) In order to provide operators in markets for secondary raw materials with more certainty as to the waste or non-waste status of substances or objects and promote a level playing field, it is important to establish **at the Union level harmonized conditions** for substances or objects to be recognised as by-products and for waste that has undergone a recovery operation to be recognised as having ceased to be waste. **Where necessary to ensure the smooth functioning of the internal market or a high level of environmental protection across the Union, the Commission should be empowered to adopt delegated acts establishing detailed criteria on the application of such harmonized conditions to certain waste, including for a specific use.**

- (8) In order to provide operators in markets for secondary raw materials with more certainty as to the waste or non-waste status of substances or objects and promote a level playing field, it is important to establish **clear rules** for substances or objects to be recognised as by-products and for waste that has undergone a recovery operation to be recognised as having ceased to be waste.

Tuesday 14 March 2017

Amendment 22
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *In order to ensure the smooth functioning of the internal market, a substance or an object resulting from a production process the primary aim of which is not the production of that substance or object should be considered, as a general rule, to be a by-product if certain harmonised conditions are respected and a high level of environmental and human health protection across the Union is ensured. The Commission should be empowered to adopt delegated acts in order to establish detailed criteria on the application of the by-product status, prioritising the existing and replicable practices of industrial and agricultural symbiosis. In the absence of such criteria, Member States should be allowed, on a case-by-case basis only, to establish detailed criteria on the application of by-product status.*

Tuesday 14 March 2017

Amendment 23
Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

- (8b) *In order to ensure the smooth functioning of the internal market and a high level of environmental and human health protection across the Union, the Commission should, as a general rule, be empowered to adopt delegated acts establishing harmonised provisions related to the end-of-waste status to certain types of waste. Specific end-of-waste criteria should be considered at least for aggregates, paper, glass, metal, tyres and textiles. Where criteria have not been set at a Union level, Member States should be allowed to establish detailed end-of-waste criteria at national level for certain waste in accordance with conditions set at Union level. Where such detailed criteria have not been established either at national level, Member States should ensure that waste, which has undergone a recovery operation, is considered to have ceased to be waste if it complies with the Union level conditions which should be verified on a case-by-case basis by the competent authority in the Member State. The Commission should be empowered to adopt delegated acts in order to supplement this Directive by establishing general requirements to be followed by Member States when they adopt technical regulations under Article 6.*

Tuesday 14 March 2017

Amendment 24
Proposal for a directive
Recital 8 c (new)

Text proposed by the Commission

Amendment

- (8c) *Once recycled material re-enters the economy due to it receiving end-of-waste status, either by complying with specific end-of-waste criteria or by being incorporated in a new product, it is required to be fully compliant with Union chemicals law.*

Amendment 25
Proposal for a directive
Recital 8 d (new)

Text proposed by the Commission

Amendment

- (8d) *The transition to a circular economy should take full advantage of digital innovation. To that end, electronic tools such as an online platform for trading waste as new resources should be developed, with the aim of making trading operations easier and of reducing the administrative burden for operators, thus enhancing industrial symbiosis.*

Tuesday 14 March 2017

Amendment 26
Proposal for a directive
Recital 8 e (new)

Text proposed by the Commission

Amendment

- (8e) *Extended producer responsibility provisions in this Directive aim to support the design and production of goods which take fully into account and facilitate the efficient use of resources during the whole life cycle of the products, including their repair, re-use, disassembly and recycling, without compromising the free circulation of goods in the internal market. Extended producer responsibility is an individual obligation on producers who should be accountable for the end-of-life management of products that they place on the market. Producers should be able, however, to assume their responsibility individually or collectively. Member States should ensure the establishment of extended producer responsibility schemes for at least packaging, electrical and electronic equipment, batteries and accumulators, and end-of-life vehicles.*

Amendment 27
Proposal for a directive
Recital 8 f (new)

Text proposed by the Commission

Amendment

- (8f) *Extended producer responsibility schemes should be understood as a set of rules established by Member States to ensure that producers of products bear the financial and/or operational responsibility for the management of the post-consumer stage of a product's life cycle. Those rules should not prevent producers from fulfilling those obligations either individually or collectively.*

Tuesday 14 March 2017

Amendment 28
Proposal for a directive
Recital 9

Text proposed by the Commission

- (9) Extended producer responsibility schemes form an essential part of efficient waste management, but their effectiveness and performance differ significantly between Member States. Thus, it is necessary to set minimum operating requirements for extended producer responsibility. Those requirements should reduce costs and boost performance, as well as ensure a level-playing field, including for small and medium sized enterprises, and avoid obstacles to the smooth functioning of the internal market. **They** should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to **take better** into account recyclability **and** reusability **when designing their products**. The requirements should apply to both new and existing extended producer responsibility schemes. A transitional period is however necessary for existing extended producer responsibility schemes to adapt their structures and procedures to the new requirements.

Amendment

- (9) Extended producer responsibility schemes form an essential part of efficient waste management, but their effectiveness and performance differ significantly between Member States. Thus, it is necessary to set minimum operating requirements for extended producer responsibility **schemes, be they individual or collective. It is necessary to make a distinction between those minimum requirements that apply to all schemes and those that only apply to collective schemes. Nevertheless, all** those requirements should reduce costs and boost performance **by measures such as facilitating better implementation of separate collection and sorting, ensuring better quality recycling, helping secure access to secondary raw material in a cost-efficient manner,** as well as ensure a level-playing field, including for small and medium sized enterprises **and e-commerce enterprises** and avoid obstacles to the smooth functioning of the internal market. **Those requirements** should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to **develop smart business models and to take into account the waste hierarchy when designing their products through the stimulation of durability,** recyclability, reusability **and reparability. They should encourage the progressive substitution of substances of very high concern as defined in Article 57 of Regulation (EC) No 1907/2006 if there are suitable alternative substances or technologies that are economically and technically viable. The implementation of the minimum requirements for extended producer responsibility should be supervised by independent authorities and should not create any disproportionate financial or administrative burden for public bodies, economic operators and consumers.** The requirements should apply to both new and existing extended producer responsibility schemes. A transitional period is however necessary for existing extended producer responsibility schemes to adapt their structures and procedures to the new requirements.

Tuesday 14 March 2017

Amendment 29
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) *The provisions of this Directive on extended producer responsibility should apply without prejudice to the provisions on extended producer responsibility contained in other legal acts of the Union, in particular those covering specific waste streams.*

Amendment 30
Proposal for a directive
Recital 9 b (new)

Text proposed by the Commission

Amendment

- (9b) *The Commission should without delay adopt guidelines on the modulation of contributions of producers in extended producer responsibility schemes in order to assist Member States in the implementation of this Directive in furtherance of the internal market. To ensure coherence in the internal market, the Commission should also be able to adopt harmonised criteria for that purpose by means of delegated acts.*

Amendment 31
Proposal for a directive
Recital 9 c (new)

Text proposed by the Commission

Amendment

- (9c) *When schemes are set up for the collective implementation of extended producer responsibility, Member States should put in place safeguards against conflicts of interest between contractors and extended producer responsibility organisations.*

Tuesday 14 March 2017

Amendment 32
Proposal for a directive
Recital 10

Text proposed by the Commission

- (10) Waste prevention is the most efficient way to improve resource efficiency **and** to reduce the environmental impact of waste. It is important therefore that Member States take appropriate measures to prevent waste generation **and** monitor and assess progress in the implementation of such measures. In order to ensure a uniform measurement of the overall progress in the implementation of waste prevention measures, common indicators should be established.

Amendment

- (10) Waste prevention is the most efficient way to improve resource efficiency, to reduce the environmental impact of waste, **to promote durable, recyclable, reusable high-quality materials and to decrease the dependence on imports of increasingly rare raw materials. The development of innovative business models is key in this regard.** It is important therefore that Member States **lay down prevention targets and** take appropriate measures to prevent waste generation **and littering, including the use of economic instruments and other measures that progressively substitute substances of very high concern as defined in Article 57 of Regulation (EC) No 1907/2006 if there are suitable alternative substances or technologies that are economically and technically viable, combat planned obsolescence, support re-use, increase consumer empowerment through improved product information, and encourage information campaigns on waste prevention. Member States should also** monitor and assess progress **made** in the implementation of such measures **as well as progress in the reduction of waste generation and aim at decoupling it from economic growth.** In order to ensure a uniform measurement of the overall progress **made** in the implementation of waste prevention measures, common indicators **and methodologies** should be established.

Amendment 33
Proposal for a directive
Recital 10 a (new)

*Text proposed by the Commission**Amendment*

- (10a) **The promotion of sustainability in production and consumption can contribute significantly to waste prevention. Member States should take steps to make consumers aware of this and encourage them to participate more actively in order to improve resource efficiency.**

Tuesday 14 March 2017

Amendment 34
Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) *The original waste producer has a key role to play in waste prevention and at the initial pre-sorting stage.*

Amendment 35
Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) *In order to reduce food loss and prevent food waste along the whole supply chain, a food waste hierarchy should be established, as laid down in Article 4a.*

Tuesday 14 March 2017

Amendment 36
Proposal for a directive
Recital 12

Text proposed by the Commission

- (12) Member States should take measures to promote prevention of food waste in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular its target of **halving** food waste by 2030. These measures should aim to prevent food waste **in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and food services as well as in households**. Having regard to the environmental and economic benefits of preventing food waste, Member States should establish specific food waste prevention measures **and** should measure progress in food waste **reduction**. To facilitate exchange of good practice across the EU both between Member States and between food business operators, **uniform methodologies** for such measurement should be established. Reporting on food waste levels should take place on **a biennial** basis.

Amendment

- (12) Member States should take measures to promote prevention **and reduction** of food waste in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular its target of **reducing** food waste **by 50 %** by 2030. These measures should aim to prevent **and reduce the total generation of** food waste **and reduce food losses along the whole supply chain, including primary production, transportation and storage**. Having regard to the environmental, **social** and economic benefits of preventing food waste, Member States should establish specific food waste prevention measures, **including awareness campaigns to demonstrate how to prevent food waste in their waste prevention programmes. With these measures, Member States should aim to achieve a Union-wide food waste reduction target of 30 % by 2025 and of 50 % by 2030. Member States should also measure progress made in the reduction of food waste and food losses. To measure this progress and to** facilitate exchange of good practice across the EU both between Member States and between food business operators, **a common methodology** for such measurement should be established. Reporting on food waste levels should take place on **an annual** basis.

Amendment 37
Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

- (12a) **In order to prevent food waste, Member States should provide incentives for the collection of unsold food products in food retail and food establishments and for their redistribution to charitable organisations. Consumer awareness of the meaning of ‘use-by’ dates should also be improved in order to reduce food waste.**

Tuesday 14 March 2017

Amendment 39
Proposal for a directive
Recital 13

Text proposed by the Commission

- (13) Industrial, certain parts of commercial waste and extractive waste are extremely diversified in terms of composition and volume, and very different depending on the economic structure of a Member State, the structure of the industry or commerce sector that generates the waste and the industrial or commercial density in a given geographical area. **Hence**, for most industrial and extractive waste, an industry-oriented approach using Best Available Techniques reference documents 16 and similar instruments to address the specific issues related to the management of a given type of waste is a **suitable** solution. **However**, industrial and commercial packaging waste **should continue to be** covered by the requirements of Directive 94/62/EC and Directive 2008/98/EC, **including their respective improvements**.

Amendment

- (13) Industrial, certain parts of commercial waste and extractive waste are extremely diversified in terms of composition and volume, and very different depending on the economic structure of a Member State, the structure of the industry or commerce sector that generates the waste and the industrial or commercial density in a given geographical area. For most industrial and extractive waste, an industry-oriented approach using Best Available Techniques reference documents 16 and similar instruments to address the specific issues related to the management of a given type of waste is a **temporary** solution **to reach circular economy objectives**. As industrial and commercial waste **are** covered by the requirements of Directive 94/62/EC and Directive 2008/98/EC, **the Commission should consider the possibility of setting, by 31 December 2018, preparing for re-use and recycling targets for commercial waste and non-hazardous industrial waste to be met by 2025 and 2030**.

Amendment 40
Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

- (13a) **The Commission should actively promote sharing platforms as a circular economy business model. It should create a stronger integration between the action plan for the circular economy and the guidelines for a collaborative economy and investigate all possible measures to provide incentives for it.**

Tuesday 14 March 2017

Amendment 41
Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

Amendment

- (13b) *The transition towards a circular economy needs to seek to achieve the smart, sustainable and inclusive growth goals set out in the Europe 2020 strategy, with particular reference to the targets relating to environmental protection, the shift to clean energy sources, sustainable local development and increased employment in the Member States. The development of a circular economy should, accordingly, also promote the involvement of entities such as small and medium-sized enterprises, social economy enterprises, non-profit institutions and waste management bodies that operate regionally and locally, in order to improve their overall management, foster innovation in processes and products and develop employment in the areas concerned.*

Amendment 42
Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

- (14) The targets for preparation for re-use and recycling of municipal waste should be increased in order to deliver substantial environmental, economic and social benefits.

- (14) The targets for preparation for re-use and recycling of municipal waste should be increased **at least to 60 % by 2025 and at least to 70 % by 2030** in order to deliver substantial environmental, economic and social benefits **and accelerate the shift towards a circular economy.**

Amendment 43
Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

- (14a) **Member States should support the setting up of systems which promote re-use activities and the extension of the life span of products, provided that the quality and safety of products are not compromised. Such systems should be set up in particular for electrical and electronic equipment, textiles, furniture, construction materials, tyres and, as referred to in Article 5 of Directive 94/62/EC, packaging.**

Tuesday 14 March 2017

Amendment 44
Proposal for a directive
Recital 14 b (new)

Text proposed by the Commission

Amendment

- (14b) *In order to promote re-use, Member States should be able to set up quantitative objectives and should take the necessary measures in respect of producers to enable re-use operators to have easy access to the instruction manuals, spare parts and technical information needed for re-use of products.*

Amendment 45
Proposal for a directive
Recital 14 c (new)

Text proposed by the Commission

Amendment

- (14c) *The role of social economy enterprises in the re-use and preparing for re-use sector needs to be acknowledged and consolidated. Member States should take the necessary measures to promote the role of social economy enterprises in that sector including, where appropriate, by means of economic instruments, public procurement, facilitated access to waste collection points, and any other appropriate economic or regulatory incentives. The new regulatory framework established by the Circular Economy Package should safeguard stakeholders' ability to continue their work in the re-use and preparing for re-use sector.*

Amendment 46
Proposal for a directive
Recital 14 d (new)

Text proposed by the Commission

Amendment

- (14d) *The switch to a circular economy offers numerous positive aspects, both economic (such as optimisation of the use of raw material resources), environmental (such as protecting the environment and reducing waste pollution) and social (such as socially-inclusive job creation potential and developing social ties). The circular economy is in keeping with the social and solidarity economy ethos and the implementation of the circular economy should primarily enable environmental and social benefits to be generated.*

Tuesday 14 March 2017

Amendment 47
Proposal for a directive
Recital 14 e (new)

Text proposed by the Commission

Amendment

- (14e) *The actors involved in the social and solidarity-based economy should, through their activities, including preparation for re-use and re-use itself, help promote the social and solidarity-based economy. Steps should be taken to ensure the perpetuation of those activities in the Union.*

Amendment 48
Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

- (15) Through a progressive increase of the existing targets for preparation for re-use and recycling of municipal waste, it should be ensured that economically valuable waste materials are **re-used and** effectively recycled, and that valuable materials found in waste are channelled back into the European economy, thus advancing the Raw Materials Initiative⁽¹⁷⁾ and the creation of a circular economy.

⁽¹⁷⁾ COM(2008)0699 and COM(2014)0297.

- (15) Through a progressive increase of the existing targets for preparation for re-use and recycling of municipal waste, it should be ensured that economically valuable waste materials are effectively **prepared for re-use and** recycled, **while ensuring a high-level protection of human health and the environment**, and that valuable materials found in waste are channelled back into the European economy, thus advancing the Raw Materials Initiative⁽¹⁷⁾ and the creation of a circular economy.

⁽¹⁷⁾ COM(2008)0699 and COM(2014)0297.

Tuesday 14 March 2017

Amendment 49
Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Large differences exist between Member States with respect to their waste management performance, particularly as regards recycling of municipal waste. In order to take account of those differences, those Member States which in 2013 recycled less than 20 % of their municipal waste according to Eurostat data should be given additional time to comply with the preparing for re-use and recycling targets established for 2025 **and 2030**. In light of average annual progression rates observed in Member States over the past fifteen years, those Member States would need to increase their recycling capacity at levels that are well-above past averages to meet those targets. In order to ensure that steady progress towards the targets is made and that implementation gaps are tackled in due time, Member States that are given additional time should meet interim-targets and establish **an** implementation **plan**.

Amendment

(16) Large differences exist between Member States with respect to their waste management performance, particularly as regards recycling of municipal waste. In order to take account of those differences, those Member States which in 2013 recycled less than 20 % of their municipal waste according to Eurostat data **and which were not considered at risk of not achieving the target of preparing for re-use and recycling at least 50 % of their municipal waste by 2025** should be given additional time to comply with the preparing for re-use and recycling targets established for 2025. **Those same Member States could also be given additional time to comply with the preparing for re-use and recycling targets established for 2030 if they are not considered at risk of not achieving the target of preparing for re-use and recycling at least 60 % of their municipal waste by 2030.** In light of average annual progression rates observed in Member States over the past fifteen years, those Member States would need to increase their recycling capacity at levels that are well-above past averages to meet those targets. In order to ensure that steady progress towards the targets is made and that implementation gaps are tackled in due time, Member States that are given additional time should meet interim-targets and establish implementation **plans, the effectiveness of which should be assessed by the Commission on the basis of defined criteria.**

Amendment 50
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) **In order to ensure the uptake of high quality secondary raw materials, the output of the final recycling process should uphold quality standards. For that reason, the Commission should request the European standardisation organisations to develop standards for both waste materials entering the final recycling process and secondary raw materials, in particular for plastics, based on the best production practices on the market.**

Tuesday 14 March 2017

Amendment 51
Proposal for a directive
Recital 17

Text proposed by the Commission

- (17) In order to ensure the reliability of the data gathered on preparation for re-use it is essential to establish common rules for reporting. Similarly, it is important to lay down more precise rules on how Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. To that **effect, as a general rule**, the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. **In order to limit administrative burdens, Member States should be allowed, under strict conditions, to report recycling rates on the basis of the output of sorting facilities.** Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

Amendment

- (17) In order to ensure the reliability of the data gathered on preparation for re-use it is essential to establish common rules for reporting, **taking into account the need to avoid imposing excessive administrative burdens on small and medium operators.** Similarly, it is important to lay down more precise rules on how Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. **Calculation of recycled municipal waste should be based on one harmonised method which will prevent Member States from reporting discarded waste as recycled waste.** To that **end**, the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

Amendment 52
Proposal for a directive
Recital 18

Text proposed by the Commission

- (18) **Member States should, for the purposes of calculating whether the preparation for re-use and recycling targets are achieved, be able to take into account products and components that are prepared for re-use by recognised re-use operators and by deposit-refund schemes and the recycling of metals that takes place in conjunction with incineration. In order to ensure a uniform calculation of this data, the Commission will adopt detailed rules on the determination of recognised preparation for re-use operators and deposit-refund schemes, on the quality criteria for recycled metals and on the collection, verification and reporting of data.**

Amendment

- (18) **In order to ensure a uniform calculation of data on preparation for re-use and recycling, the Commission should adopt detailed rules on the determination of recognised preparation for re-use operators, deposit-refund schemes and final recycling operators, including specific rules on collection, traceability, verification and reporting of data, as well as on the quality criteria for recycled metals that have been recycled in conjunction with incineration or co-incineration. For the purposes of calculating whether the preparation for re-use and recycling targets have been achieved and after the adoption of the harmonised calculation method, Member States should be able to take into account the recycling of metals that takes place in conjunction with incineration or co-incineration, such as energy recovery.**

Tuesday 14 March 2017

Amendment 53
Proposal for a directive
Recital 20

Text proposed by the Commission

- (20) Compliance with the obligation to set up separate collection systems for paper, metal, plastic **and** glass is essential in order to increase preparing for re-use and recycling rates in Member States. In addition bio-waste should be collected separately to contribute to an increase in preparing for re-use and recycling rates and the prevention of contamination of dry recyclable materials.

Amendment

- (20) Compliance with the obligation to set up separate collection systems for paper, metal, plastic, glass, **textile and bio-waste** is essential in order to increase preparing for re-use and recycling rates in Member States. In addition bio-waste should be collected separately **and be recycled** to contribute to an increase in preparing for re-use and recycling rates and the prevention of contamination of dry recyclable materials **and to prevent incineration and landfilling. In addition, research into possible collection and recycling systems for other streams and new materials should be encouraged and intensified.**

Amendment 54
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

- (20a) **The bio-economy plays a crucial role in ensuring the availability of raw materials across the Union. A more efficient use of municipal waste could create an important incentive for the bio-economy supply chain. In particular, a sustainable management of bio-waste offers the opportunity to substitute fossil fuel-based feedstocks with renewable sources for the production of materials and commodities.**

Amendment 55
Proposal for a directive
Recital 20 b (new)

Text proposed by the Commission

Amendment

- (20b) **In order to avoid waste treatment which locks in resources at the lower levels of the waste hierarchy, to enable high-quality recycling and to boost the uptake of quality secondary raw materials, Member States should ensure that bio-waste is separately collected and undergoes organic recycling in a way that fulfils a high level of environmental protection and the output of which meets relevant high quality standards.**

Tuesday 14 March 2017

Amendment 56
Proposal for a directive
Recital 20 c (new)

Text proposed by the Commission

Amendment

- (20c) *Despite separate collection, a lot of recyclables still end up in mixed waste. With high-quality sorting, especially optical sorting, a considerable amount of materials can be sorted from the residual waste and subsequently recycled and reprocessed into secondary raw materials. Member States should thus take measures to ensure that also waste that is not separately collected is nevertheless sorted.*

Amendment 57
Proposal for a directive
Recital 20 d (new)

Text proposed by the Commission

Amendment

- (20d) *To avoid contamination of municipal waste with hazardous substances which could lower recycling quality and thus hamper the take-up of secondary raw materials, Member States should set up separate collection for hazardous waste from households.*

Amendment 58
Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

- (21) Proper management of hazardous waste still presents a problem in the Union, and data on its treatment are partly missing. It is therefore necessary to strengthen record keeping and traceability mechanisms through the establishment of electronic registries for hazardous waste in the Member States. Electronic data collection should be extended to other types of waste, **where appropriate**, in order to simplify record-keeping for businesses and administrations and improve the monitoring of waste flows in the Union.

- (21) Proper management of hazardous waste still presents a problem in the Union, and data on its treatment are partly missing. It is therefore necessary to strengthen record keeping and traceability mechanisms through the establishment of electronic registries for hazardous waste in the Member States. Electronic data collection should be extended to other types of waste, in order to simplify record-keeping for businesses and administrations and improve the monitoring of waste flows in the Union.

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Amendment 59
Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

- (21a) *Separate collection and regeneration of waste oils has significant economic and environmental benefits, including in terms of security of supply. Separate collection should be established, as well as targets for the regeneration of waste oils.*

Amendment 60
Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

- (22) This Directive sets long-term objectives for the Union's waste management and gives economic operators and Member States a clear direction for the investments needed to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds by promoting prevention, re-use **and** recycling, in line with the waste hierarchy

- (22) This Directive sets long-term objectives for the Union's waste management and gives economic operators and Member States a clear direction for the investments needed to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure **and the circular economy**, Member States should make a sound use of the European Structural and Investment Funds by promoting **first** prevention **and** re-use, **followed by** recycling, in line with the waste hierarchy. **The Commission should, in accordance with the waste hierarchy, enable the use of Horizon 2020 and European Structural and Investment Funds in order to develop an effective financial framework that helps local authorities implement the requirements of this Directive and finance the introduction of innovative technologies and waste management.**

Tuesday 14 March 2017

Amendment 61
Proposal for a directive
Recital 23

Text proposed by the Commission

- (23) Certain raw materials are of a high importance to the economy of the Union and their supply is associated with a high risk. In order to ensure security of supply of those raw materials and in line with the Raw Materials Initiative and the objectives and targets of the European Innovation Partnership on Raw Materials, Member States should take measures to **achieve the best possible management** of waste containing significant amounts of **those** raw materials, taking economic and technological feasibility and environmental benefits into account. The Commission has established a list of critical raw materials for the EU⁽¹⁸⁾. This list is subject to regular review by the Commission.

⁽¹⁸⁾ COM(2014)0297.

Amendment

- (23) Certain raw materials are of a high importance to the economy of the Union and their supply is associated with a high risk. In order to ensure security of supply of those raw materials and in line with the Raw Materials Initiative and the objectives and targets of the European Innovation Partnership on Raw Materials, Member States should take measures to **promote the re-use of products and recycling** of waste containing significant amounts of **critical** raw materials **and to ensure that they are managed efficiently**, taking economic and technological feasibility and environmental **and health** benefits into account. The Commission has established a list of critical raw materials for the EU⁽¹⁸⁾. This list is subject to regular review by the Commission.

⁽¹⁸⁾ COM(2014)0297.

Amendment 62
Proposal for a directive
Recital 24

Text proposed by the Commission

- (24) To further support effective implementation of the Raw Materials Initiative, Member States should also **promote the reuse of products constituting the main sources of raw materials. They should also** include in their waste management plans nationally appropriate measures regarding collection and recovery of waste containing significant amounts of these raw materials. The measures should be included in the waste management plans when they are updated for the first time following the entry into **effect** of this Directive. The Commission will provide information about the relevant product groups and waste streams at EU level. This provision does not preclude the Member States to take measures for other raw materials considered as important to their national economy.

Amendment

- (24) To further support effective implementation of the Raw Materials Initiative, Member States should also include in their waste management plans nationally appropriate measures regarding collection, **sorting** and recovery of waste containing significant amounts of these raw materials. The measures should be included in the waste management plans when they are updated for the first time following the entry into **force** of this Directive. The Commission will provide information about the relevant product groups and waste streams at EU level. This provision does not preclude the Member States to take measures for other raw materials considered as important to their national economy.

Tuesday 14 March 2017

Amendment 63
Proposal for a directive
Recital 25

Text proposed by the Commission

- (25) Littering has direct detrimental impacts on the environment **and** the wellbeing of citizens, and **high** clean-up costs are an unnecessary economic burden for society. The introduction of specific measures in waste management plans and proper enforcement by competent authorities should help eradicate this problem.

Amendment

- (25) Littering has direct **and indirect** detrimental impacts on the environment, the wellbeing of citizens and **the economy**. **High** clean-up costs are an unnecessary economic burden for society. The introduction of specific measures in waste management plans and proper enforcement by competent authorities should help eradicate this problem. **Prevention of littering is to be preferred over clean-up. Prevention of littering should be a shared effort between the competent authorities, producers and consumers. It is essential to change inappropriate behaviour of consumers to prevent litter. Producers whose products are likely to become litter should promote the sustainable use of their products in order to prevent littering. Furthermore, education and awareness raising play a crucial role in order to spur behavioural change.**

Tuesday 14 March 2017

Amendment 64
Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Directive 2008/56/EC of the European Parliament and of the Council ^(1a) is the binding legal instrument at Union level for assessing, monitoring and setting environmental targets in order to reach good environmental status in relation to marine litter. However, the main sources of marine litter are land-based activities and they are caused by poor practices in solid waste management, lack of infrastructure and a lack of public awareness. For that reason, Member States should adopt measures to reduce land-based litter that is likely to end up in the marine environment, in line with the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly on 25 September 2015, and in particular aim at achieving the target of reducing marine litter by 50 % by 2030 at Union level. Having regard to the environmental and economic benefits of preventing marine litter, Member States should establish specific marine litter prevention measures in their waste prevention programmes. With these measures, Member States should aim to achieve the Union-wide marine litter reduction targets of 30 % by 2025 and of 50 % by 2030. To measure progress towards these targets and to facilitate an exchange of good practices across the Union between Member States, uniform methodologies for the measurement of land-based marine litter should be established. Reporting on land-based marine litter levels should take place every year.

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

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Amendment 65
Proposal for a directive
Recital 25 b (new)

Text proposed by the Commission

Amendment

- (25b) *Improper disposal of waste through littering and discharges of sewage and solid waste, such as plastic, have detrimental impacts on the marine environment and human health, as well as significant economic and social costs. Such waste also subverts the priority order of the waste hierarchy, in particular by avoiding preparing for re-use, recycling and other recovery prior to disposal. Given the transboundary nature of marine litter and the need to ensure harmonisation in efforts, Member States should take measures to achieve a target for their reduction, utilising monitoring protocols established under Article 11 of Directive 2008/56/EC.*

Amendment 66
Proposal for a directive
Recital 25 c (new)

Text proposed by the Commission

Amendment

- (25c) *Micro-beads in rinse-off cosmetic and personal care products reaching residential, commercial or industrial drainage systems after use are one of the most preventable direct sources of micro-plastic pollution. In order to contribute to the objectives laid down in this Directive, Member States should take measures to prevent the micro-bead ingredients and micro-plastics from entering waste water treatment systems and being discharged into the marine environment.*

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Amendment 67
Proposal for a directive
Recital 27

Text proposed by the Commission

- (27) Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burdens. It is therefore appropriate to repeal provisions obliging Member States to produce such reports. Instead compliance monitoring should be *exclusively* based on the statistical data which Member States report every year to the Commission.

Amendment

- (27) Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burdens. It is therefore appropriate to repeal provisions obliging Member States to produce such reports. Instead compliance monitoring should be based on the statistical data which Member States report every year to the Commission. ***Nevertheless, Member States should submit to the Commission, on request and without delay, any information necessary for the Commission to evaluate the implementation of this Directive as a whole and of its impact on the environment and human health.***

Amendment 68
Proposal for a directive
Recital 28

Text proposed by the Commission

- (28) **Statistical** data reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **statistics** should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Therefore, when reporting on the achievement of the targets set out in waste legislation, Member States shall use the **most recent** methodology developed by the Commission **and** the national statistical offices of the Member States.

Amendment

- (28) Data **and information** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **reported data** should be improved by **establishing a common methodology for collection and processing of data based on reliable sources and by** introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Therefore, when reporting on the achievement of the targets set out in waste legislation, Member States shall use the **common** methodology developed by the Commission **in cooperation with** the national statistical offices of the Member States **and the national, regional and local authorities responsible for waste management.**

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Amendment 69
Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

Amendment

- (28a) *Every three years, the Commission should publish a report based on the data and information reported by Member States in order to report to the Parliament and the Council on the progress achieved in reaching the recycling targets and in the implementation of new obligations laid down by this Directive. Those triennial reports should also evaluate the impact of Directive 2008/98/EC as a whole on the environment and human health and assess whether amendments are needed to keep Directive 2008/98/EC fit for purpose in view of the circular economy objectives.*

Amendment 70
Proposal for a directive
Recital 28 b (new)

Text proposed by the Commission

Amendment

- (28b) *In order to contribute to an appropriate governance, enforcement, cross-border cooperation and spread of best practices and innovations in the field of waste and to ensure the effective and consistent implementation of the targets laid down in Directive 2008/98/EC, the Commission should establish a platform for the exchange of information and the sharing of best practices between the Commission and the Member States on the practical implementation of that Directive. The results of the work of that platform should be made publicly available.*

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Amendment 71
Proposal for a directive
Recital 28 c (new)

Text proposed by the Commission

Amendment

- (28c) *The economic potential as well as the environmental benefits of moving towards circular economy and increased resource efficiency are well established. Steps needed to closing the circle are presented in various policy documents and proposals, ranging from the European Resource Efficiency Platform's (EREP) manifesto for a more resource-efficient Europe published on 17 December 2012 and subsequent policy recommendations, to the European Parliament's own-initiative report on moving towards a circular economy adopted on 25 June 2015, and finally the Commission's action plan for the circular economy published on 2 December 2015. They all present actions that go beyond waste, covering the whole cycle, and they should not only guide the ambition level of Union waste law, but also ensure that ambitious action is taken to close the whole circle.*

Amendment 72
Proposal for a directive
Recital 28 d (new)

Text proposed by the Commission

Amendment

- (28d) *Research and innovation as well as the creation of smart business models based on resource efficiency are essential for supporting the transition towards a circular economy in the Union where waste is perceived as a new resource. To achieve that aim, it is necessary to contribute, within Horizon 2020, to research and innovation projects that can demonstrate and test in the field the economic and environmental sustainability of a circular economy. At the same time, while adopting a systemic approach, those projects can contribute to developing legislation that is conducive to innovation and is easy to implement, by identifying possible regulatory uncertainties, barriers and gaps that hamper the development of business models based on resource efficiency.*

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Amendment 73
Proposal for a directive
Recital 28 e (new)

Text proposed by the Commission

Amendment

- (28e) *On 2 December 2015, the Commission presented an EU action plan for the Circular Economy to stimulate Europe's transition towards a circular economy. Since the Commission established a concrete and ambitious programme of actions, with measures that cover the whole cycle, supplementary measures are needed in order to accelerate that transition.*

Amendment 74
Proposal for a directive
Recital 28 f (new)

Text proposed by the Commission

Amendment

- (28f) *Improving resource use could bring substantial net savings for Union businesses, public authorities and consumers while reducing total annual greenhouse gas emissions. For that reason, the Commission should propose, by the end of 2018, a lead indicator and a dashboard of sub-indicators on resource efficiency in order to monitor the progress towards the target of increasing resource efficiency at Union level by 30 % by 2030 compared with 2014 levels.*

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Amendment 75
Proposal for a directive
Recital 29

Text proposed by the Commission

- (29) In order to supplement or amend Directive 2008/98/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of **Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), 26, 27(1), 27(4), 38(1), 38(2) and 38(3)**. It is of particular importance that the Commission *carries* out appropriate consultations during its preparatory work, including at expert level. *The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.*

Amendment

- (29) In order to supplement or amend Directive 2008/98/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of:
- *detailed criteria on the application of the conditions under which substances or objects are to be considered as by-products or considered to have ceased to be waste,*
 - *general requirements to be followed by Member States when adopting technical regulations on end-of-waste status,*
 - *the establishment of the list of waste,*
 - *harmonised criteria to be followed when determining the financial contributions paid by producers to comply with their extended producer responsibility, as modulated on the real end-of-life cost of the products,*
 - *indicators to measure the progress in the reduction of waste generation and in the implementation of waste prevention measures,*
 - *a common methodology, including minimum quality requirements, for the uniform measurement of the levels of food waste,*
 - *a common methodology, including minimum quality requirements, for the uniform measurement of land-based marine litter,*

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Text proposed by the Commission

Amendment

- *minimum quality and operational requirements to determine the recognised preparation for re-use operators, deposit-refund schemes and final recycling operators, including specific rules on data collection, traceability, verification and reporting,*
- *a common methodology to calculate the weight of metals that have been recycled in conjunction with incineration or co-incineration, including the quality criteria for the recycled metals,*
- *technical criteria and operational procedures for disposal operations D2, D3, D4, D6, D7 and D12 as listed in Annex I to Directive 2008/98/EC and, if appropriate, a ban on those operations if they do not meet certain criteria related to the protection of human health and the environment,*
- *technical minimum standards for treatment activities that require a permit under Directive 2008/98/EC, where there is evidence that such standards would bring about a benefit in terms of the protection of human health and the environment,*
- *minimum standards for activities that require registration under Directive 2008/98/EC where there is evidence that such standards would bring about a benefit in terms of the protection of human health and the environment or in avoiding disruption to the internal market,*
- *the specification of the application of the formula for incineration facilities referred to in point R1 of Annex II to Directive 2008/98/EC,*
- *the methodology for data collection and processing, the organisation of the data collection and the sources of data as well as the format for the reporting of data by Member States to the Commission on the implementation of the targets on food waste reduction and marine litter reduction, on preparing for re-use, recycling and backfilling, on waste oils, and*

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Text proposed by the Commission

Amendment

- *the adaptation of Annexes I to V to Directive 2008/98/EC to scientific and technical progress.*

It is of particular importance that the Commission **carry** out appropriate consultations during its preparatory work, including at expert level **and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.**

Amendment 76

Proposal for a directive

Recital 30

Text proposed by the Commission

Amendment

- (30) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission in respect of **Articles 9(4), 9(5), 33(2), 35(5) and 37(6)**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁹⁾.

- (30) In order to ensure uniform conditions for the implementation of Directive 2008/98/EC, implementing powers should be conferred on the Commission in respect of:

- *the format for the notification of the information on the adoption and the substantial revisions of waste management plans and waste prevention programmes, and*

- *minimum conditions for the operation of electronic registries on hazardous waste.*

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Text proposed by the Commission

Amendment

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁹⁾.

⁽¹⁹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28/02/2011, p. 13).

⁽¹⁹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

Amendment 77

Proposal for a directive

Recital 33

Text proposed by the Commission

Amendment

(33) Since the objectives of this Directive, namely to improve waste management in the Union, and thereby contributing to the protection, preservation and improvement of the quality of the environment, the health of the oceans and the safety of seafood by reducing marine litter, and to the prudent and rational utilisation of natural resources across the Union, cannot be sufficiently achieved by the Member States, but can, by reason of the scale or effects of the measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

(33) Since the objectives of this Directive, namely to improve waste management in the Union, and thereby contributing to the protection, preservation and improvement of the quality of the environment, the health of the oceans and the safety of seafood by reducing marine litter, and to the prudent, **reduced** and rational utilisation of natural resources across the Union, cannot be sufficiently achieved by the Member States, but can, by reason of the scale or effects of the measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

Amendment 78

Proposal for a directive

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) **Member States should ensure high levels of occupational health and safety in the production, recycling, repairing, preparing for re-use and waste sectors, taking into account the specific risks faced by workers in those sectors, and should ensure that existing Union law in this field is properly implemented and enforced.**

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Amendment 79
Proposal for a directive
Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) *This Directive has been adopted taking into account the commitments set out in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making and it should be implemented and applied in accordance with the guidance contained in that Agreement.*

Amendment 80
Proposal for a directive
Article 1 — paragraph 1 — point - 1 (new)
 Directive 2008/98/EC
 Article 1 — paragraph 1

Present text

Amendment

This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.

(-1) In Article 1, paragraph 1 is replaced by the following:

'This Directive lays down measures to protect the environment and human health by preventing or reducing the **generation of waste**, the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use, **which are crucial for the transition to a circular economy and for guaranteeing the Union's long-term competitiveness**.'

Amendment 81
Proposal for a directive
Article 1 — paragraph 1 — point 2 — point a
 Directive 2008/98/EC
 Article 3 — point 1 a

Text proposed by the Commission

Amendment

'1a. "municipal waste" means

'1a. "municipal waste" means

(a) mixed waste and separately collected waste from households including:

(a) mixed waste and separately collected waste from households including:

— paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators;

— paper and cardboard, glass metals, plastics, bio-waste, wood, textiles, waste electrical and electronic equipment, waste batteries and accumulators;

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Text proposed by the Commission	Amendment
— bulky waste, including white goods , mattresses, furniture;	— bulky waste, including mattresses and furniture;
— garden waste, including leaves, grass clipping;	— garden waste, including leaves, grass clipping;
(b) mixed waste and separately collected waste from other sources that is comparable to household waste in nature, composition and quantity .	(b) mixed waste and separately collected waste from small businesses, office buildings and institutions including schools, hospitals, and government buildings that is similar to household waste in nature and composition.
(c) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.	(c) market cleansing waste and waste from street cleaning services, including street sweepings, the content of litter containers, waste from park and garden maintenance.
Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste;'	Municipal waste does not include waste from sewage network and treatment, including sewage sludge and construction and demolition waste.
	<i>The definition of municipal waste in this Directive shall apply regardless of the public or private status of the operator managing waste;'</i>

Amendment 82

Proposal for a directive

Article 1 — paragraph 1 — point 2 — point a (new)

Directive 2008/98/EC

Article 3 — point 1 b (new)

Text proposed by the Commission	Amendment
	(aa) <i>the following point is inserted:</i>
	<i>'1b. "Commercial and industrial waste" means mixed waste and separately collected waste from commercial and industrial activities and/or premises.</i>
	<i>Commercial and industrial waste does not include municipal waste, construction and demolition waste or waste from sewage network or treatment, including sewage sludge;'</i>

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Amendment 83**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point b**

Directive 2008/98/EC

Article 3 — point 2 a

Text proposed by the Commission

2a. 'non-hazardous waste' means waste which ***displays none of the hazardous properties listed in Annex III;***

Amendment

2a. 'non-hazardous waste' means waste which ***is not covered by point 2 of this Article;***

Amendment 84**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point c**

Directive 2008/98/EC

Article 3 — point 4

Text proposed by the Commission

4. 'bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability properties ***that is comparable in nature, composition and quantity;***

Amendment

4. 'bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, restaurants, caterers and retail premises, comparable waste from food processing plants and other waste with similar biodegradability ***and compostability*** properties;

Amendment 85**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point d a (new)**

Directive 2008/98/EC

Article 3 — point 9

Present text

9. 'waste management' means the collection, transport, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;

Amendment

(da) ***point 9 is replaced by the following:***

'9. "waste management" means the collection, transport, ***sorting***, recovery and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and including actions taken as a dealer or broker;';

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Amendment 86**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point d b (new)**

Directive 2008/98/EC

Article 3 — point 11

Present text

Amendment

(db) **point 11 is replaced by the following:**

11. 'separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

'11. "separate collection" means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment, **in particular preparing for re-use and recycling operations;**'

Amendment 87**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point e**

Directive 2008/98/EC

Article 3 — point 16

Text proposed by the Commission

Amendment

16. 'preparing for re-use' means checking, cleaning or repairing recovery operations, by which **waste**, products or components of products that have been collected by a recognised preparation for re-use operator **or deposit-refund scheme** are prepared so that they can be re-used without any other pre-processing;

16. 'preparing for re-use' means checking, cleaning or repairing recovery operations, by which products or components of products that **have become waste and** have been collected by a recognised preparation for re-use operator are prepared so that they can be re-used without any other pre-processing;

Amendment 88**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point e a (new)**

Directive 2008/98/EC

Article 3 — point 16 a (new)

Text proposed by the Commission

Amendment

(ea) **the following point is inserted:**

'16a. "preparation for re-use operator" means an undertaking handling waste and working along the preparing for re-use process chain in accordance with the applicable rules;'

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Amendment 89**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point e b (new)**

Directive 2008/98/EC

Article 3 — point 16 b (new)

Text proposed by the Commission

Amendment

(eb) *the following point is inserted:*

‘16b. “remanufacturing” means the process of bringing a product to a like-new condition through reusing, reconditioning, and replacing component parts;’

Amendment 90**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point e c (new)**

Directive 2008/98/EC

Article 3 — point 17

Present text

Amendment

(ec) *point 17 is replaced by the following:*

17. ‘recycling’ means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes **the reprocessing of organic material** but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;

‘17. “recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes **organic recycling** but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;’

Amendment 91**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point e d (new)**

Directive 2008/98/EC

Article 3 — point - 17 a (new)

Text proposed by the Commission

Amendment

(ed) *the following point is inserted:*

‘- 17a. “organic recycling” means recycling in the form of an aerobic or an anaerobic treatment, or another treatment of the biodegradable parts of waste, which produces products, materials or substances; mechanical biological treatment and landfill are not considered to be a form of organic recycling;’

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Amendment 92**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f**

Directive 2008/98/EC

Article 3 — point 17 a*Text proposed by the Commission*

17a. 'final recycling process' means the recycling process which begins when no further **mechanical** sorting operation is needed and waste materials **enter a production process and** are effectively reprocessed into products, materials or substances;

Amendment

17a. 'final recycling process' means the recycling process which begins when no further sorting operation is needed and waste materials are effectively reprocessed into products, materials or substances;

Amendment 93**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f**

Directive 2008/98/EC

Article 3 — point 17 b*Text proposed by the Commission*

17b. 'backfilling' means any recovery operation where suitable waste is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose;

Amendment

17b. 'backfilling' means any recovery operation **other than recycling** where suitable **non-hazardous inert** waste **or other non-hazardous waste** is used for reclamation purposes in excavated areas or for engineering purposes in landscaping or construction instead of other non-waste materials which would otherwise have been used for that purpose **and is used in quantities that do not exceed that which is strictly necessary for the reclamation or engineering purpose;**

Amendment 94**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f a (new)**

Directive 2008/98/EC

Article 3 — point 17 c (new)*Text proposed by the Commission**Amendment*

(fa) **The following point is inserted:**

'17c. "dilution" means the mixing of waste with one or more other materials or wastes with the aim of lowering, without chemical transformation, the concentration of one or more component present in the waste, in order to allow the diluted waste to be sent to a treatment or recycling operation which is not allowed for the non-diluted waste.';

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Amendment 95**Proposal for a directive****Article 1 — point 2 — point f b (new)**

Directive 2008/98/EC

Article 3 — point 20 a (new)

Text proposed by the Commission

Amendment(fb) *the following point is added:*

‘20a. “decontamination” means any operation that consists of removing or treating the unwanted hazardous components or pollutants from waste in order to destroy them.’;

Amendment 96**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f c (new)**

Directive 2008/98/EC

Article 3 — point 20 b (new)

Text proposed by the Commission

Amendment(fc) *the following point is added:*

‘20b. “sorting” means any waste management operation which separates collected waste into different fractions and sub-fractions;’;

Amendment 97**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f d (new)**

Directive 2008/98/EC

Article 3 — point 20 c (new)

Text proposed by the Commission

Amendment(fd) *the following point is added:*

‘20c. “litter” means waste of small size in publicly accessible areas that has been improperly discarded in the environment, whether wilfully or by negligence;’;

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Amendment 98**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f e (new)**

Directive 2008/98/EC

Article 3 — point 20 d (new)

Text proposed by the Commission

Amendment(fe) *the following point is added:*

‘20d. “food waste” means food intended for human consumption, either in edible or inedible status, removed from the production or supply chain to be discarded, including at primary production, processing, manufacturing, transportation, storage, retail and consumer levels, with the exception of primary production losses;’;

Amendment 99**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point f f (new)**

Directive 2008/98/EC

Article 3 — point 20 e (new)

Text proposed by the Commission

Amendment(ff) *the following point is added:*

‘20e. “residual waste” means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and, as a result, has to be disposed of;’;

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Amendment 101**Proposal for a directive****Article 1 — paragraph 1 — point 2 a (new)**

Directive 2008/98/EC

Article 4 — paragraph 2 — subparagraph 1

*Present text**Amendment***(2a) In Article 4(2), the first subparagraph is replaced by the following:**

2. When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste.

‘2. When applying the waste hierarchy referred to in paragraph 1, Member States shall take measures to encourage the options that deliver the best overall environmental outcome. This may require specific waste streams departing from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. **That may require that certain waste undergoes a decontamination process prior to further treatment.**’;

Amendment 102**Proposal for a directive****Article 1 — paragraph 1 — point 3**

Directive 2008/98/EC

Article 4 — paragraph 3 — subparagraph 1

*Text proposed by the Commission**Amendment*

3. Member States shall make use of adequate economic instruments to provide incentives for the application of the waste hierarchy.

3. Member States shall make use of adequate economic instruments **and take other measures** to provide incentives for the application of the waste hierarchy. **Those instruments and measures may include the instruments and measures indicated in Annex IVa to encourage the implementation of the waste prevention programmes referred to in Article 29 and to support the activities aimed at achieving the preparing for re-use and recycling targets set out in paragraph 2 of Article 11 in order to maximise the uptake of secondary raw materials and to offset the cost disparities with virgin raw materials.**

Tuesday 14 March 2017

Amendment 103

Proposal for a directive

Article 1 — paragraph 1 — point 3

Directive 2008/98/EC

Article 4 — paragraph 3 — subparagraph 2

Text proposed by the Commission

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every **five** years following that date.

Amendment

Member States shall report to the Commission the specific instruments put in place in accordance with this paragraph by [insert date eighteen months after the entry into force of this Directive] and every **three** years following that date.

Amendment 104

Proposal for a directive

Article 1 — paragraph 1 — point 3 a (new)

Directive 2008/98/EC

Article 4 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) In Article 4, the following paragraph is added:

‘3a. Member States shall establish fee systems in order to ensure the financing of the waste management infrastructure for municipal waste that is necessary for the implementation of this Directive.’;

Tuesday 14 March 2017

Amendment 105**Proposal for a directive****Article 1 — paragraph 1 — point 3 b (new)**

Directive 2008/98/EC

Article 4 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

(3b) In Article 4, the following paragraph is added:

‘3b. Member States shall apply the waste hierarchy in order to enhance the transition towards a circular economy. To this end, in accordance with Regulation (EU) No 1303/2013 of the European Parliament and of the Council ^(1a), Member States shall apply the waste hierarchy when allocating all Union funds and they shall prioritise prevention, re-use, preparation for re-use and recycling in the investments in the waste management infrastructure.

^(1a) 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 (OJ L 347, 20.12.2013, p. 320).’;

Amendment 107**Proposal for a directive****Article 1 — paragraph 1 — point 3 c (new)**

Directive 2008/98/EC

Article 4 a (new)

Text proposed by the Commission

Amendment

(3c) The following Article is inserted:**‘Article 4a****Food waste hierarchy**

1. The following specific food waste hierarchy shall apply in order of priority in food waste prevention and management legislation and policy:

(a) source prevention;

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Text proposed by the Commission

Amendment

(b) ***edible food rescue, prioritising human use over animal feed and the reprocessing into non-food products;***

(c) ***organic recycling;***

(d) ***energy recovery;***

(e) ***disposal.***

2. ***Member States shall provide incentives for the prevention of food waste, such as setting up voluntary agreements, facilitating food donation or, where appropriate, taking financial or fiscal measures.'***

Amendment 108

Proposal for a directive

Article 1 — paragraph 1 — point 4 — point a

Directive 2008/98/EC

Article 5 — paragraph 1 — introductory part

Text proposed by the Commission

1. ***Member States shall ensure that*** a substance or object resulting from a production process the primary aim of which is not the production of that substance or object ***is*** considered not to be waste, but to be a by-product if the following conditions are met:

Amendment

1. A substance or object resulting from a production process the primary aim of which is not the production of that substance or object ***shall be*** considered not to be waste, but to be a by-product if the following conditions are met:

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Amendment 109**Proposal for a directive****Article 1 — paragraph 1 — point 4 — point b**

Directive 2008/98/EC

Article 5 — paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to **establish** detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to **supplement this Directive by establishing** detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects. **The Commission shall prioritise the existing and replicable practices of industrial symbiosis in the development of the detailed criteria.**

Amendment 110**Proposal for a directive****Article 1 — paragraph 1 — point 4 — point b a (new)**

Directive 2008/98/EC

Article 5 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

(ba) **the following paragraph is inserted:**

‘2a. Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may, on a case-by-case basis, establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific substances or objects, including limit values for pollutants where necessary.’;

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Amendment 111**Proposal for a directive****Article 1 — paragraph 1 — point 4 — point c**

Directive 2008/98/EC

Article 5 — paragraph 3

Text proposed by the Commission

3. Member States shall notify the Commission of technical regulations adopted under **paragraph 1** in accordance with Directive **2015/1535/EC** of the European Parliament and of the Council **of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services** (*) where so required by that Directive.

(*) OJ L 241, 17.9.2015, p. 1.

Amendment

3. Member States shall notify the Commission of technical regulations adopted under **paragraph 2a** in accordance with Directive **(EU) 2015/1535** of the European Parliament and of the Council (*).

(*) **Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).**

Amendment 112**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point a — point i**

Directive 2008/98/EC

Article 6 — paragraph 1 — introductory part

Text proposed by the Commission

1. Member States shall ensure that waste which has undergone a recovery operation is considered to have ceased to be waste if it complies with the following conditions:

Amendment

1. Member States shall ensure that waste which has undergone a **recycling or other** recovery operation is considered to have ceased to be waste if it complies with the following conditions:

Amendment 113**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to **establish** detailed criteria on the application of the conditions laid down in paragraph 1 to **certain** waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse **environmental** effects of the substance or object.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a, **on the basis of the monitoring of the situations in Member States**, in order to **supplement this Directive by establishing** detailed criteria on the application of the conditions laid down in paragraph 1 to **specific** waste. Those detailed criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse effects of the substance or object **on human health and/or the environment**.

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Amendment 114**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 3

Text proposed by the Commission

3. Waste which **is considered to have** ceased to be waste in accordance with paragraph 1 may be **considered to be prepared for reuse, recycled or recovered** for the purpose of the calculation of the achievement of the targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(*) **respectively** if it has been subject to a preparing for reuse, recycling or recovery in accordance with those Directives.

Amendment

3. Waste which **has** ceased to be waste in accordance with paragraph 1 may be **taken into account** for the purpose of the calculation of the achievement of the **preparation for re-use, recycling or recovery** targets set out in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU of the European Parliament and of the Council(*) if it has been subject to **respectively** a preparing for reuse, recycling or recovery **operation** in accordance with those Directives. **The weight of waste which is considered to have ceased to be waste may be reported as recycled if the materials or substances that have ceased to be waste are to be subject to reprocessing, excluding energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.**

Amendment 115**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 3 a (new)

*Text proposed by the Commission**Amendment*

3a. Where criteria have not been set at Union level in accordance with the procedure set out in paragraph 2, Member States may establish detailed criteria on the application of the conditions laid down in paragraph 1 to specific waste, including limit values for pollutants.

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Amendment 116**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *Where those criteria have not been established at national level, Member States shall ensure that waste which has undergone a recovery operation, is considered to have ceased to be waste if it complies with conditions laid down in paragraph 1, which shall be verified on a case-by-case basis by the national competent authority.*

Amendment 117**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. *In view of ensuring coherence in the internal market, the Commission shall be empowered to adopt delegated acts in accordance with Article 38a in order to supplement this Directive by establishing general requirements to be followed by Member States when they adopt technical regulations under paragraph 3a and 3b of this Article.*

Amendment 118**Proposal for a directive****Article 1 — paragraph 1 — point 5 — point b**

Directive 2008/98/EC

Article 6 — paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall notify the Commission of technical regulations adopted under **paragraph 1** in accordance with Directive 2015/1535/EC **of the European Parliament and of the Council where so required by that Directive.**

4. Member States shall notify the Commission of technical regulations adopted under **paragraphs 3a and 3b** in accordance with Directive 2015/1535/EC.

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Amendment 119**Proposal for a directive****Article 1 — paragraph 1 — point 6 — point a (new)**

Directive 2008/98/EC

Article 7 — paragraph 4

Present text

Amendment(aa) ***paragraph 4 is replaced by the following:***

4. The reclassification of hazardous waste as non-hazardous waste may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous.

‘4. The reclassification of hazardous waste as non-hazardous waste ***or a change of the hazardous properties*** may not be achieved by diluting or mixing the waste with the aim of lowering the initial concentrations of hazardous substances to a level below the thresholds for defining waste as hazardous ***or for establishing a hazardous property.***’;

Amendment 120**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point -a (new)**

Directive 2008/98/EC

Article 8 — paragraph 1 — subparagraph 1

Present text

*Amendment****(-a) in paragraph 1, the first subparagraph is replaced by the following:***

1. In order to strengthen the re-use and the prevention, recycling and other recovery of waste, Member States ***may*** take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility.

‘1. In order to strengthen the re-use and the prevention, recycling and other recovery of waste, Member States ***shall*** take legislative or non-legislative measures to ensure that any natural or legal person who professionally develops, manufactures, processes, treats, sells or imports products (producer of the product) has extended producer responsibility.’;

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Amendment 121**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point a**

Directive 2008/98/EC

Article 8 — paragraph 1 — subparagraph 3

Text proposed by the Commission

Such measures may also include the establishment of extended producer responsibility schemes defining specific operational and financial obligations for producers of products.

Amendment

Such measures may also include the establishment of extended producer responsibility schemes, **which cover individual or collective fulfilment of extended producer responsibility. Such schemes shall consist of a set of rules** defining specific operational and/or financial obligations for producers of products **in which the producer's responsibility is extended to the post-consumer state of a product's life cycle. Member States shall set up such schemes for at least packaging as defined in point (1) of Article 3 of Directive 94/62/EC, electrical and electronic equipment as defined in point (a) of Article 3(1) of Directive 2012/19/EU, batteries and accumulators as defined in point (1) of Article 3 of Directive 2006/66/EC and end-of-life vehicles as defined in point (2) of Article 2 of Directive 2000/53/EC.**

Amendment 122**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point a (new)**

Directive 2008/98/EC

Article 8 — paragraph 2 — subparagraph 1

Present text

2. Member States **may** take appropriate measures **to** encourage the design of products in order to reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Articles 4 and 13.

Amendment

(aa) **in paragraph 2, the first subparagraph is replaced by the following:**

‘2. Member States **shall** take appropriate measures **that** encourage **producers to improve** the design of products **and components of products** in order to **enhance resource efficiency**, reduce their environmental impacts and the generation of waste in the course of the production and subsequent use of products, and in order to ensure that the recovery and disposal of products that have become waste take place in accordance with Articles 4 and 13.’;

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Amendment 123**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point b**

Directive 2008/98/EC

Article 8 — paragraph 2 — subparagraph 2*Text proposed by the Commission*

Such measures **may** encourage, *inter alia*, the development, production and marketing of products that are suitable for multiple use, that are technically durable and that are, after having become waste, **suitable for preparation** for re-use **and recycling** in order to facilitate proper implementation of the waste hierarchy. The measures **should** take into account the impact of products throughout their life cycle.

Amendment

Such measures **shall** encourage the development, production and marketing of products **and materials** that are suitable for multiple use, that are technically durable and **easily repairable and** that are, after having become waste **and been prepared** for re-use **or recycled, suitable to be placed on the market** in order to facilitate proper implementation of the waste hierarchy. The measures **shall** take into account the impact of products throughout their life cycle, **including the potential for multiple recycling, where appropriate, and the waste hierarchy.**

Amendment 124**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point b a (new)**

Directive 2008/98/EC

Article 8 — paragraph 2 a (new)*Text proposed by the Commission**Amendment*

(ba) **the following paragraph is inserted:**

‘2a. Member States shall notify to the Commission measures adopted under paragraphs 1 and 2 by [insert date thirty-six months after the entry into force of this Directive] and thereafter every three years following that date. The Commission shall publish the notifications received.’;

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Amendment 125

Proposal for a directive

Article 1 — paragraph 1 — point 7 — point b b (new)

Directive 2008/98/EC

Article 8 — paragraph 4

Present text

Amendment

(bb) **paragraph 4 is replaced by the following:**

4. The extended producer responsibility shall be applied without prejudice to the responsibility for waste management as provided for in Article 15(1) **and without prejudice to existing waste stream specific and product specific legislation.**

‘4. The extended producer responsibility shall be applied without prejudice to the responsibility for waste management as provided for in Article 15(1). **The provisions of Articles 8 and 8a are without prejudice to the provisions concerning extended producer responsibility contained in other Union legal acts.**’;

Amendment 126

Proposal for a directive

Article 1 — paragraph 1 — point 7 — point c

Directive 2008/98/EC

Article 8 — paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall **organise** an exchange of information between Member States and the actors involved in producer responsibility schemes on the practical implementation of the requirements defined in Article 8a and on best practices to ensure adequate governance and cross-border cooperation of extended producer responsibility schemes. This includes, inter alia, exchange of information on the organisational features and the monitoring of producer responsibility organisations, the selection of waste management operators and the prevention of littering. The Commission shall publish the results of the exchange of information.

5. **No later than ... [insert date 6 months after the entry into force of this Directive], the Commission shall set up a platform for** an exchange of information between Member States, **civil society organisations, regional and local authorities** and the actors involved in producer responsibility schemes on the practical implementation of the requirements defined in Article 8a and on best practices to ensure adequate governance and cross-border cooperation of extended producer responsibility schemes **and a smooth functioning of the internal market.** This includes, inter alia, exchange of information on the organisational features and the monitoring of producer responsibility organisations, **the development of harmonised criteria for the financial contributions referred to in point (b) of Article 8a(4),** the selection of waste management operators and the prevention of **waste generation and** littering. The Commission shall publish the results of the exchange of information **and may provide guidelines on relevant aspects.**

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Text proposed by the Commission

Amendment

No later than ... [insert date 12 months after the entry into force of this Directive], based on a study and taking into account the input from the platform, the Commission shall adopt guidelines on the determination of the financial contributions referred to in point (b) of Article 8a(4). To ensure coherence in the internal market, the Commission may adopt delegated acts in accordance with Article 38a in order to supplement this Directive by establishing harmonised criteria to be followed by Member States when determining the financial contributions referred to in point (b) of Article 8a(4).

Amendment 127**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — title

Text proposed by the Commission

General requirements for extended producer responsibility schemes

Amendment

General **minimum** requirements for extended producer responsibility schemes

Amendment 128**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 1 — indent 1

Text proposed by the Commission

— define in a clear way the roles and responsibilities of producers of products placing goods on the market of the Union, organisations implementing extended producer responsibility on their behalf, private or public waste operators, local authorities and, where appropriate, recognised preparation for re-use operators;

Amendment

— define in a clear way the roles and responsibilities of **all actors involved, including** producers of products placing goods on the market of the Union, organisations implementing extended producer responsibility on their behalf **in the framework of collective schemes**, private or public waste operators, **distributors, regional and** local authorities and, where appropriate, **re-use and repair networks, social economy enterprises and** recognised preparation for re-use operators;

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Amendment 129**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 1 — indent 2

Text proposed by the Commission

-
- define measurable waste management targets, in line with the waste hierarchy, aiming to attain at least the quantitative targets relevant for the scheme as laid down in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU;

Amendment

-
- define measurable **waste reduction targets and** waste management targets, in line with the waste hierarchy, aiming to attain at least the quantitative targets relevant for the scheme as laid down in this Directive, Directive 94/62/EC, Directive 2000/53/EC, Directive 2006/66/EC and Directive 2012/19/EU;

Amendment 130**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 1 — indent 3

Text proposed by the Commission

-
- establish a reporting system to gather data on the products placed on the Union market by the producers subject to extended producer responsibility. Once these products become waste, the reporting system shall ensure that data is gathered on the collection and treatment of that waste specifying, where appropriate, the waste material flows;

Amendment

-
- establish a reporting system to gather **reliable and accurate** data on the products placed on the Union market by the producers subject to extended producer responsibility. Once these products become waste, the reporting system shall ensure that **reliable and accurate** data is gathered on the collection and treatment of that waste specifying, where appropriate, the waste material flows;

Amendment 131**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 1 — indent 4

Text proposed by the Commission

-
- ensure equal treatment and non-discrimination between producers of products and with **regards** to small and medium enterprises.

Amendment

-
- ensure equal treatment and non-discrimination between producers of products, **as well as between providers of collection, transport and treatment services** and with **regard** to small and medium enterprises.

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Amendment 132**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 2

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that the waste holders targeted by the extended producer responsibility schemes established in accordance with Article 8, paragraph 1, are informed about the available waste collection systems and the prevention of littering. Member States shall also take measures to create incentives for the waste holders to **take part in the** separate collection systems in place, notably through economic incentives or regulations, when appropriate.

Amendment

2. Member States shall take the necessary measures to ensure that the waste holders targeted by the extended producer responsibility schemes established in accordance with Article 8, paragraph 1, are informed about the available **take-back systems, re-use and repair networks, recognised preparation for re-use operators**, waste collection systems and the prevention of littering. Member States shall also take measures to create incentives for the waste holders to **assume their responsibility to deliver their waste into** separate collection systems in place, notably through economic incentives or regulations, when appropriate.

Amendment 133**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 3 — point a

Text proposed by the Commission

(a) has a clearly defined geographical, product and material coverage;

Amendment

(a) has a clearly defined geographical, product and material coverage **that is based on the sales area and without limiting these areas to the territories in which the collection and management of waste are profitable;**

Amendment 134**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 3 — point b

Text proposed by the Commission

(b) has the necessary operational and financial means to meet its extended producer responsibility obligations;

Amendment

(b) has the necessary operational and/or financial means to meet its extended producer responsibility obligations;

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Amendment 135**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 3 — point d — indent 2

Text proposed by the Commission

— the financial **contributions** paid by the producers;

Amendment

— **in the framework of collective schemes**, the financial **contribution** paid by the producers **per unit sold or per tonne of product placed on the market**;**Amendment 136****Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 3 — point d — indent 3

Text proposed by the Commission

— the selection procedure for waste management operators.

Amendment

— **in the framework of collective schemes**, the selection procedure for waste management operators;**Amendment 137****Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 3 — point d — indent 3 a (new)

Text proposed by the Commission

Amendment

— **the attainment of the waste reduction targets and waste management targets referred to in the second indent of paragraph 1.**

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Amendment 139**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 4 — point a — introductory part and indent 1

Text proposed by the Commission

a) cover the entire cost of waste management for the products it puts on the Union market, ***including all the following***:

— costs of separate collection, sorting and treatment operations required ***to meet the waste management targets referred to in paragraph 1, second indent***, taking into account the revenues from re-use or sales of secondary raw material from their products;

Amendment

a) cover the entire cost of waste management for the products it puts on the Union market, ***as follows***:

— costs of separate collection, sorting, ***transport*** and treatment operations required to ***ensure the proper management of waste*** taking into account the revenues from re-use or sales of secondary raw material from their products;

Amendment 140**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 4 — point b

Text proposed by the Commission

(b) are modulated on the basis of the real end-of-life cost of individual products or groups of similar products, notably by taking into account their re-usability and recyclability;

Amendment

(b) ***in the framework of collective schemes***, are modulated on the basis of the real end-of-life cost of individual products or groups of similar products, notably by taking into account their ***durability, reparability***, re-usability and recyclability ***and the presence of hazardous substances hereby taking a life-cycle approach and aligned with the requirements set by relevant Union law, and when available, based on harmonised criteria in order to ensure a smooth functioning of the internal market***;

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Amendment 141**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 4 — point c

Text proposed by the Commission

(c) are based on the optimised cost of the services provided in cases where public waste management operators are responsible for implementing operational tasks on behalf of the extended producer responsibility scheme.

Amendment

(c) are based on the optimised cost of the services provided in cases where public waste management operators are responsible for implementing operational tasks on behalf of the extended producer responsibility scheme. ***The optimised cost of the service shall be transparent and reflect the costs incurred by public waste management operators when implementing operational tasks on behalf of extended producer responsibility schemes.***

Amendment 142**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 5 — subparagraph 1

Text proposed by the Commission

Member States shall establish an adequate monitoring and enforcement framework with the view to ensure that the producers of products are implementing their extended producer responsibility obligations, the financial means are properly used, and all actors involved in the implementation of the scheme report reliable data.

Amendment

Member States shall establish an adequate monitoring and enforcement framework with the view to ensure that the producers of products are implementing their extended producer responsibility obligations, ***including in the case of distance sales***, the financial means are properly used, and all actors involved in the implementation of the scheme report reliable data.

Amendment 143**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 5 — subparagraph 2

Text proposed by the Commission

Where, in the territory of a Member State, multiple organisations implement extended producer responsibility obligations ***on behalf of the producers, Member State shall establish an independent authority to oversee the implementation of extended producer responsibility obligations.***

Amendment

Member States shall designate or establish an independent authority to oversee the implementation of extended producer responsibility obligations ***and in particular to verify the extended producer responsibility organisations' compliance with the requirements laid down in this Directive.***

Tuesday 14 March 2017

Amendment 144**Proposal for a directive****Article 1 — paragraph 1 — point 8**

Directive 2008/98/EC

Article 8 a — paragraph 6

Text proposed by the Commission

6. Member States shall establish a platform to ensure a regular dialogue between **the** stakeholders involved in the implementation of extended producer responsibility, including private or public waste operators, local authorities and, where applicable, recognised preparation for re-use operators.'

Amendment

6. Member States shall **designate or** establish a platform to ensure a regular dialogue between **all** stakeholders involved in the implementation of extended producer responsibility, including **producers and distributors**, private or public waste operators, **social economy actors**, local authorities, **civil society organisations** and, where applicable, **re-use and repair networks and** recognised preparation for re-use operators.

Amendment 145**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph - 1 (new)

*Text proposed by the Commission**Amendment*

-1. In order to contribute to the prevention of waste, Member States shall aim to achieve at least the following objectives:

- (a) a significant reduction in waste generation;**
- (b) decoupling of waste generation from economic growth;**
- (c) a progressive substitution of substances of very high concern as defined in Article 57 of Regulation (EC) No 1907/2006 if there are suitable alternative substances or technologies that are economically and technically viable;**
- (d) a Union food waste reduction target of 30 % by 2025 and of 50 % by 2030 compared to the 2014 baseline;**
- (e) a Union marine litter reduction target of 30 % by 2025 and 50 % by 2030 compared to the 2014 baseline.**

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Amendment 146

Proposal for a directive

Article 1 — paragraph 1 — point 9

Directive 2008/98/EC

Article 9 — paragraph 1

Text proposed by the Commission

1. Member States shall take measures **to prevent waste generation. These measures shall:**

— **encourage** the use of products that are resource efficient, durable, repairable and recyclable;

— identify and target products that are the main sources of raw materials of a high importance to the economy of the Union and whose supply is associated with a high risk to prevent that those materials become waste;

— **encourage** the setting up of systems promoting **reuse activities, including in particular for electrical and electronic equipment, textiles and furniture;**

— reduce waste generation in processes related to industrial production, extraction of minerals **and** construction and demolition, taking into account best available techniques;

— reduce the generation of food waste **in primary production, in processing and manufacturing, in retail and other distribution of food, in restaurants and foodservices as well as in households.**

Amendment

1. **For the purpose of achieving the objectives set out in paragraph - 1,** Member States shall take **at least the following** measures:

— **promote and support sustainable production and consumption models and** the use of products that are resource efficient, durable, **easy to share, reusable,** repairable and recyclable;

— **discourage the placing on the market of products with planned obsolescence;**

— identify and target products that are the main sources of raw materials of a high importance to the economy of the Union and whose supply is associated with a high risk to prevent that those materials become waste;

— **incentivise the extension of the life span of products, where environmentally beneficial, and support** the setting up of systems promoting **repair, re-use, remanufacturing and reconditioning activities of products as referred to in Article 9a;**

— reduce waste generation in processes related to industrial production, **manufacturing,** extraction of minerals, construction and demolition, **including via means such as pre-demolition audits, and in processes related to commerce and services,** taking into account best available techniques **and best practices;**

— reduce **the total** generation of food waste;

— **reduce food losses along the whole supply chain, including primary production, transportation and storage;**

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Text proposed by the Commission

Amendment

- **prevent littering by identifying the products that are the main sources of littering in the natural environment, including the marine environment, and take measures to reduce littering from these sources;**
- **ensure communication of substances of very high concern from the supply chain to consumers and waste treatment operators;**
- **develop and support information campaigns to raise awareness on the issues surrounding waste prevention and littering.**

Amendment 147**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 2

Text proposed by the Commission

2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets, notably on the per capita quantity of municipal waste that is disposed of or subject to energy recovery.

Amendment

2. Member States shall monitor and assess the implementation of the waste prevention measures. For that purpose, they shall use appropriate qualitative or quantitative indicators and targets, notably on the per capita quantity of municipal waste **generated and the amount of municipal waste** that is disposed of or subject to energy recovery.

Amendment 148**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall adopt delegated acts in accordance with Article 38a in order to supplement this Directive by establishing indicators to measure the progress in the reduction of waste generation and in the implementation of the waste prevention measures listed in paragraph 1 of this Article. Those delegated acts shall be adopted within 18 months of the entry into force of this Directive.

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Amendment 149**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 3

Text proposed by the Commission

3. Member States shall monitor and assess the implementation of their food waste prevention measures by measuring food waste on the basis of **methodologies established in accordance with paragraph 4.**

Amendment

3. Member States shall monitor and assess the implementation of their food waste prevention measures by measuring **the levels of** food waste on the basis of **a common methodology. By 31 December 2017, the Commission shall adopt a delegated act in accordance with Article 38a in order to supplement this Directive by establishing the methodology, including minimum quality requirements, for the uniform measurement of the levels of food waste. That methodology shall take into account the waste prevention measures implemented through donations or other ways of preventing food from becoming waste.**

Amendment 236**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 3a (new)

*Text proposed by the Commission**Amendment*

3a. By 31 December 2020, the Commission shall examine the possibility of setting up binding Union-wide food waste reduction targets to be met by 2025 and 2030 on the basis of the measurements calculated in accordance with the common methodology established pursuant to paragraph 3. To that end, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and to the Council.

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Amendment 150**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall monitor and assess the implementation of their land-based marine litter prevention measures by measuring the levels of land-based marine litter on the basis of a common methodology. By 31 December 2017, the Commission shall adopt a delegated act in accordance with Article 38a to establish the methodology, including minimum quality requirements, for the uniform measurement of land-based marine litter.

Amendment 151**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. By 31 December 2018, the Commission shall examine the possibility of setting up Union-wide waste prevention targets to be met by 2025 and 2030 on the basis of a common indicator that is calculated by reference to the total amount of municipal waste generated per capita. To that end, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and to the Council.

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Amendment 152**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 4

Text proposed by the Commission

4. The Commission may adopt implementing acts to establish indicators to measure the overall progress in the implementation of waste prevention measures. In order to ensure uniform measurement of the levels of food waste, the Commission shall adopt an implementing act to establish a common methodology, including minimum quality requirements. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).

Amendment

deleted

Amendment 153**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 2008/98/EC

Article 9 — paragraph 5

Text proposed by the Commission

5. Every year, the European Environment Agency shall publish a report describing the evolution as regards the prevention of waste generation for each Member State and for the Union as a whole, including on decoupling of waste generation from economic growth and on the transition towards a circular economy.

Amendment

deleted

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Amendment 154**Proposal for a directive****Article 1 — paragraph 1 — point 9 a (new)**

Directive 2008/98/EC

Article 9 a (new)

Text proposed by the Commission

Amendment

(9a) The following Article is inserted:**‘Article 9a****Re-use**

1. Member States shall support the setting up of systems which promote re-use activities and the extension of the life span of products provided that the quality and safety of products are not compromised.

2. Member States shall take measures to promote the re-use of products, in particular those containing significant amounts of critical raw materials. These measures may include encouraging the establishment and support of recognised re-use networks, deposit-refund and return-refill schemes and incentivising remanufacturing, refurbishment and repurposing of products.

Member States shall make use of economic instruments and measures and may set up quantitative targets.

3. Member States shall take the necessary measures to enable that re-use operators have access to instruction manuals, spare parts, technical information, or any other instrument, equipment or software required for the re-use of products, without prejudice to intellectual property rights.’;

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Amendment 155**Proposal for a directive****Article 1 — paragraph 1 — point 9 b (new)**

Directive 2008/98/EC

Article 9 b (new)

Text proposed by the Commission

Amendment

(9b) The following Article is inserted:**‘Article 9b****Sharing platforms**

1. *The Commission shall actively promote sharing platforms as a business model. The Commission shall create a strong connection between those platforms and the new guidelines for a collaborative economy and shall investigate all possible measures to provide incentives for them including extended producer responsibility, public procurement and ecodesign.*

2. *Member States shall support the setting up of systems promoting sharing platforms in all sectors.’;*

Amendment 156**Proposal for a directive****Article 1 — paragraph 1 — point 9 c (new)**

Directive 2008/98/EC

Article 10 — paragraph 2

Present text

Amendment

(9c) In Article 10, paragraph 2 is replaced by the following:

2. *Where necessary* to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately ***if technically, environmentally and economically practicable*** and shall not be mixed with other waste or other material with different properties.

‘2. ***In order*** to comply with paragraph 1 and to facilitate or improve recovery, waste shall be collected separately and shall not be mixed with other waste or other material with different properties.

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Present text

Amendment

By way of derogation from the first subparagraph, Member States may exclude sparsely populated areas where it is demonstrated that separate collection does not deliver the best overall environmental outcome taking into account life-cycle thinking.

Member States shall notify the Commission of their intention to make use of this derogation. The Commission shall review the notification and assess whether the derogation is justified, taking into account the objectives of this Directive. Where the Commission has raised no objections within nine months of the notification, the derogation shall be considered to be granted. Where the Commission objects, it shall adopt a decision and inform the Member State accordingly.’;

Amendment 157

Proposal for a directive

Article 1 — paragraph 1 — point 9 d (new)

Directive 2008/98/EC

Article 10 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

(9d) In Article 10, the following paragraph is added:

‘2a. Member States shall take measures to ensure that waste that has been separately collected in accordance with Article 11(1) and Article 22 is not accepted in an incineration plant, with the exception of residue resulting from the sorting of that waste.’;

Amendment 158

Proposal for a directive

Article 1 — paragraph 1 — point 9 e (new)

Directive 2008/98/EC

Article 10 — paragraph 2 b (new)

Text proposed by the Commission

Amendment

(9e) In Article 10, the following paragraph is added:

‘2b. Member States shall take the necessary measures to decontaminate hazardous waste before recovery, where appropriate.’;

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Amendment 159**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point –a (new)**

Directive 2008/98/EC

Article 11 — Title

*Present text**Amendment***(–a) the title is replaced by the following:**

Re-use and recycling

‘Preparation for re-use and recycling’;**Amendment 160****Proposal for a directive****Article 1 — paragraph 1 — point 10 — point a**

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 1

*Text proposed by the Commission**Amendment*

1. Member States shall take measures, **as appropriate**, to promote preparing for re-use activities, **notably by encouraging** the establishment of and **support for re-use** and **repair** networks **and** by facilitating the access of such networks to waste collection points, **and** by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures.

1. Member States shall take measures to promote preparing for re-use activities, **inter alia**, by **facilitating** the establishment of and **recognition of preparation for re-use operators** and networks, **in particular those operating as social enterprises**, by facilitating the access of such **recognised operators and** networks to waste collection points **as well as** by promoting the use of economic instruments, procurement criteria, quantitative objectives or other measures.

Amendment 161**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point a**

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 2

*Text proposed by the Commission**Amendment*

Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collection of waste **where technically, environmentally and economically practicable and appropriate** to meet the necessary quality standards for the relevant recycling sectors **and to attain the targets set out in paragraph 2.**

Member States shall take measures to promote high quality recycling and, to this end, shall set up separate collection of waste, **as referred to in Article 10(2)**, to meet the necessary quality standards for the relevant recycling sectors.

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Amendment 162**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point a a (new)**

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 2 a (new)

*Text proposed by the Commission**Amendment*(aa) **in paragraph 1, the following subparagraph is inserted:****‘Member States shall make use of regulatory and economic instruments in order to incentivise the uptake of secondary raw materials.’;****Amendment 164****Proposal for a directive****Article 1 — paragraph 1 — point 10 — point a b (new)**

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 3

*Present text**Amendment*(ab) **in paragraph 1, the third subparagraph is replaced by the following:****‘Subject to Article 10(2), by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass.’****‘Subject to Article 10(2), by 2015 separate collection shall be set up for at least the following: paper, metal, plastic and glass. In addition, Member States shall set up mandatory separate collection of textiles by 2020.’;****Amendment 165****Proposal for a directive****Article 1 — paragraph 1 — point 10 — point b**

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 4

*Text proposed by the Commission**Amendment***Member States shall take measures to *promote* sorting *systems for* construction and demolition waste *and* for at least the following: wood, *aggregates*, metal, glass and plaster.****Member States shall take measures to *ensure* sorting *of* construction and demolition waste for at least the following: wood, *mineral fractions (concrete, bricks, tiles and ceramics)*, metal, *plastics, gypsum*, glass and plaster. *Member States may use measures as listed in Annex IVa.***

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Text proposed by the Commission

Amendment

Member States shall incentivise pre-demolition audits in order to minimise the content of pollutants or other undesirable substances in construction and demolition waste and thus contribute to high quality recycling.

Amendment 166

Proposal for a directive

Article 1 — paragraph 1 — point 10 — point b a (new)

Directive 2008/98/EC

Article 11 — paragraph 1 — subparagraph 4 a (new)

Text proposed by the Commission

Amendment

(ba) **In paragraph 1, the following subparagraph is inserted:**

‘Member States shall take measures to promote sorting systems for commercial and industrial waste for at least the following: metals, plastics, paper and cardboard, bio-waste, glass and wood.’;

Amendment 167

Proposal for a directive

Article 1 — paragraph 1 — point 10 — point b b (new)

Directive 2008/98/EC

Article 11 — paragraph 2 — introductory part

Present text

Amendment

(bb) **the introductory part of paragraph 2 is replaced by the following:**

In order to comply with the objectives of this Directive, and move towards a European **recycling society** with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:

‘In order to comply with the objectives of this Directive, and move towards a European **circular economy** with a high level of resource efficiency, Member States shall take the necessary measures designed to achieve the following targets:’;

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Amendment 168**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point d**

Directive 2008/98/EC

Article 11 — paragraph 2 — point c

Text proposed by the Commission

(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60 % by weight;

Amendment

(c) by 2025, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of 60 % by weight **of municipal waste generated, including a minimum of 3 % of total municipal waste prepared for re-use;**

Amendment 169**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point d**

Directive 2008/98/EC

Article 11 — paragraph 2 — point d

Text proposed by the Commission

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of **65 %** by weight.

Amendment

(d) by 2030, the preparing for re-use and the recycling of municipal waste shall be increased to a minimum of **70 %** by weight **of municipal waste generated, including a minimum of 5 % of total municipal waste prepared for re-use;**

Amendment 170**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point e**

Directive 2008/98/EC

Article 11 — paragraph 3 — subparagraph 1

Text proposed by the Commission

3. **Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the targets referred to in paragraph 2(c) and (d). The Member State shall notify the Commission of its intention to make use of this provision** at the latest 24 months before the **respective deadlines** laid down in **paragraphs 2(c) and (d). In the event of an extension, the Member State shall take the necessary measures to increase the preparing for re-use and the recycling of municipal waste to a minimum of 50 % and 60 % by weight, by 2025 and 2030 respectively.**

Amendment

3. **A Member State may request a five-year extension to attain the target referred to in point (c) of paragraph 2 if it fulfils the following conditions:**

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Text proposed by the Commission

Amendment

- (a) **it has prepared for re-use and recycled less than 20 % of its municipal waste in 2013; and**
- (b) **it is not included in the list of Member States at risk of not achieving the target of preparing for re-use and recycling at least 50 % of their municipal waste by 2025 established pursuant to point (b) of Article 11b(2).**

The Member State shall **submit a request to** the Commission to **obtain such an extension** at the latest 24 months before the **deadline** laid down in **point (c) of paragraph 2, but not before the publication of the report referred to in Article 11b concerning the achievement of the target laid down in this paragraph.**

Amendment 171

Proposal for a directive

Article 1 — paragraph 1 — point 10 — point e

Directive 2008/98/EC

Article 11 — paragraph 3 — subparagraph 2

Text proposed by the Commission

The notification shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the targets before the new deadline. The plan shall also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

Amendment

The request for extension shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the target before the new deadline. The plan shall **be drafted on the basis of an evaluation of the existing waste management plans and shall** also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

In addition, the plan referred to in the third subparagraph shall comply at least with the following requirements:

- (a) **it uses appropriate economic instruments to provide incentives for the application of the waste hierarchy as referred to in Article 4(1) of this Directive;**
- (b) **it demonstrates efficient and effective use of Structural and Cohesion Funds and other measures through demonstrable long-term investments which finance the development of the waste management infrastructures that are needed to meet the relevant targets;**

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Text proposed by the Commission

Amendment

(c) *it provides high-quality statistics and generates clear forecasts of waste management capacities and of the distance to the targets as specified in Article 11(2) of this Directive, Article 6(1) of Directive 94/62/EC and Article 5 (2a), (2b) and (2c) of Directive 1999/31/EC;*

(d) *it has set out waste prevention programme as referred to in Article 29 of this Directive.*

The Commission shall assess whether the requirements set out in points (a) to (d) of the fourth subparagraph are fulfilled. Unless the Commission raises objections to the presented plan within five months of the date of receipt, the request for extension shall be deemed to be accepted.

If the Commission raises objections to the presented plan, it shall require the Member State concerned to submit a revised plan within two months of receipt of those objections.

The Commission shall assess the revised plan within two months of its receipt and shall accept or reject the request for extension in writing. In the absence of a decision from the Commission within that deadline, the request for extension shall be deemed to be accepted.

The Commission shall inform the European Parliament and the Council about the outcome of its decisions within two months of taking those decisions.

If the extension referred to in the first subparagraph is granted but the Member State does not prepare for re-use and recycle at least 50 % of its municipal waste by 2025, that extension shall be considered as automatically cancelled.

Amendment 172

Proposal for a directive

Article 1 — paragraph 1 — point 10 — point e

Directive 2008/98/EC

Article 11 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *A Member State may request a five year extension to attain the target referred to in point (d) of paragraph 2 if it fulfils the following conditions:*

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Text proposed by the Commission

Amendment

- (a) *it complies with the conditions set out in points (a) and (b) of the first subparagraph of paragraph 3; and*
- (b) *it is not included in the list of Member States at risk of not achieving the target of preparing for re-use and recycling at least 60 % of their municipal waste by 2030 established pursuant to point (b) of Article 11b(2).*

In order to request the extension referred to in the first subparagraph of this Article, a Member State shall submit its request to the Commission in accordance with paragraph 3 of this Article at least 24 months before the deadline laid down in point (d) of paragraph 2 of this Article, but not before the publication of the report referred to in Article 11b concerning the achievement of the target laid down in this paragraph.

If such an extension is granted but the Member State does not prepare for re-use and recycle at least 60 % of its municipal waste by 2030, that extension shall be considered as automatically cancelled.

Amendment 173

Proposal for a directive

Article 1 — paragraph 1 — point 10 — point e

Directive 2008/98/EC

Article 11 — paragraph 4

Text proposed by the Commission

Amendment

4. By 31 December 2024 at the latest, the Commission shall examine the target laid down in paragraph 2(d) with a view to increasing it, *and* considering ***the setting of targets for other waste streams***. To this end, a report of the Commission, accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.

4. By 31 December 2024 at the latest, the Commission shall examine the target laid down in paragraph 2(d) with a view to increasing it, considering ***best practices and measures used by Member States to reach this target***. To this end, a report of the Commission, accompanied by a proposal, if appropriate, shall be sent to the European Parliament and the Council.

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Amendment 174**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point e**

Directive 2008/98/EC

Article 11 — paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The Commission shall examine the possibility of setting preparing for re-use and recycling targets that apply to commercial waste, non-hazardous industrial waste and other waste streams to be met by 2025 and 2030. To that end, by 31 December 2018, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.*

Amendment 175**Proposal for a directive****Article 1 — paragraph 1 — point 10 — point e**

Directive 2008/98/EC

Article 11 — paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *The Commission shall consider the possibility of setting preparing for re-use and recycling targets that apply to construction and demolition waste to be met by 2025 and 2030. To that end, by 31 December 2018, the Commission shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.*

Amendment 176**Proposal for a directive****Article 1 — paragraph 1 — point 11**

Directive 2008/98/EC

Article 11 a — paragraph 1

Text proposed by the Commission

Amendment

1. For the purpose of calculating whether the targets laid down in Article 11(2)(c) and (d) and 11(3) have been attained,

1. For the purpose of calculating whether the targets laid down in Article 11(2)(c) and (d) and 11(3) have been attained,

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Text proposed by the Commission

Amendment

(a) the weight of the municipal waste recycled shall be **understood** as the weight of the input waste entering **the** final recycling process;

(a) the weight of the municipal waste recycled shall be **calculated** as the weight of the input waste entering **a** final recycling process **in a given year**;

(b) the weight of the municipal waste prepared for reuse shall be **understood** as the weight of municipal waste that has been recovered or collected by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing;

(b) the weight of the municipal waste prepared for reuse shall be **calculated** as the weight of municipal waste that has been recovered or collected **in a given year** by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing.

(c) **Member States may include products and components prepared for re-use by recognised preparation for re-use operators or deposit-refund schemes. For the calculation of the adjusted rate of municipal waste prepared for re-use and recycled taking into account the weight of the products and components prepared for re-use, Member States shall use verified data from the operators and apply the formula set out in Annex VI.**

Amendment 177

Proposal for a directive

Article 1 — paragraph 1 — point 11

Directive 2008/98/EC

Article 11 a — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By 31 December 2018, the Commission shall request the European standardisation organisations to develop European quality standards for waste materials entering the final recycling process and for secondary raw materials, in particular for plastics, based on best available practices.

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Amendment 178**Proposal for a directive****Article 1 — paragraph 1 — point 11**

Directive 2008/98/EC

Article 11 a — paragraph 2

Text proposed by the Commission

2. In order to ensure harmonised conditions for the application of paragraph 1(b) and (c) **and of Annex VI**, the Commission shall adopt delegated acts in accordance with Article 38a establishing minimum quality and operational requirements for the determination of recognised preparation for re-use operators **and** deposit-refund schemes, including specific rules on data collection, verification and reporting.

Amendment

2. In order to ensure harmonised conditions for the application of paragraph 1(a) and (b), the Commission shall adopt delegated acts in accordance with Article 38a establishing minimum quality and operational requirements for the determination of recognised preparation for re-use operators, deposit-refund schemes **and final recycling operators**, including specific rules on data collection, **traceability**, verification and reporting.

Amendment 179**Proposal for a directive****Article 1 — paragraph 1 — point 11**

Directive 2008/98/EC

Article 11 a — paragraph 3

Text proposed by the Commission

3. **By way of derogation from paragraph 1, the weight of the output of any sorting operation may be reported as the weight of the municipal waste recycled provided that:**

Amendment

3. **Member States shall ensure that records are kept on the weight of products and materials when leaving (i.e., output) the recovery or recycling/preparing for re-use facility.**

(a) **such output waste is sent into a final recycling process;**

(b) **the weight of materials or substances that are not subject to a final recycling process and that are disposed or subject to energy recovery remains below 10 % of the total weight to be reported as recycled.**

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Amendment 180

Proposal for a directive

Article 1 — paragraph 1 — point 11

Directive 2008/98/EC

Article 11 a — paragraph 4

Text proposed by the Commission

4. Member States shall establish an effective system of quality control and traceability of the municipal waste to ensure **that conditions** laid down in paragraph 3(a) and (b) are met. The system may consist of either electronic registries set up pursuant to Article 35(4), technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste.

Amendment

4. **In accordance with paragraph 2**, Member States shall establish an effective system of quality control and traceability of the municipal waste to ensure **compliance with the rules** laid down in paragraph 1. The system may consist of either electronic registries set up pursuant to Article 35(4), technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste. **Member States shall inform the Commission about the method chosen for quality control and traceability.**

Amendment 181

Proposal for a directive

Article 1 — paragraph 1 — point 11

Directive 2008/98/EC

Article 11 a — paragraph 5

Text proposed by the Commission

5. For the purposes of calculating whether the targets laid down in Article 11(2)(c) and (d) and Article 11(3) have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration in proportion to the share of the municipal waste incinerated provided that the recycled metals meet certain quality requirements.

Amendment

5. For the purposes of calculating whether the targets laid down in Article 11(2)(c) and (d) and Article 11(3) have been achieved Member States may, **after the adoption by the Commission of the delegated act referred to in paragraph 6 of this Article**, take into account the recycling of metals that takes place in conjunction with incineration **or co-incineration** in proportion to the share of the municipal waste incinerated **or co-incinerated** provided that the recycled metals meet certain quality requirements **and that waste has been sorted prior to incineration or the obligation to set up separate collection for paper, metal, plastic, glass and bio-waste has been complied with.**

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Amendment 182**Proposal for a directive****Article 1 — paragraph 1 — point 11**

Directive 2008/98/EC

Article 11 a — paragraph 6

Text proposed by the Commission

6. In order to ensure harmonised conditions for the application of paragraph 5, the Commission shall adopt delegated acts in accordance with Article 38a establishing a common methodology for the calculation of the weight of metals that have been recycled in conjunction with incineration, including, the quality criteria for the recycled metals.

Amendment

6. In order to ensure harmonised conditions for the application of paragraph 5, the Commission shall adopt delegated acts in accordance with Article 38a establishing a common methodology for the calculation of the weight of metals that have been recycled in conjunction with incineration **or co-incineration**, including, the quality criteria for the recycled metals.

Amendment 183**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 2008/98/EC

Article 11 b — paragraph 1

Text proposed by the Commission

1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the achievement of the targets laid down in Articles 11(2)(c) and (d) **and (3)** three years before each time-limit laid down in those provisions at the latest.

Amendment

1. The Commission shall, in cooperation with the European Environment Agency, draw up reports on the progress towards the achievement of the targets laid down in Articles 11(2)(c) and (d), **Article 11(3) and (3a) and Article 21(1a)** three years before each time-limit laid down in those provisions at the latest.

Amendment 184**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 2008/98/EC

Article 11 b — paragraph 2 — point b a (new)

*Text proposed by the Commission**Amendment*

(ba) **examples of best practices that are used throughout the Union and that could provide guidance for progressing towards achieving the targets.**

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Amendment 185**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 2008/98/EC

Article 11 b — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where necessary, the reports referred to in paragraph 1 shall address the implementation of other requirements of this Directive such as the forecasting of the attainment of the targets contained in the waste prevention programmes referred to in Article 29 and the percentage and the per capita quantity of municipal waste that is disposed of and subject to energy recovery.

Amendment 186**Proposal for a directive****Article 1 — paragraph 1 — point 12 a (new)**

Directive 2008/98/EC

Article 12 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

(12a) In Article 12, the following paragraph is added:

‘1a. Member States shall take the necessary measures to ensure that, by 2030, the amount of municipal waste disposed of is reduced to a maximum of 10 % of the total amount of municipal waste generated.’;

Amendment 187**Proposal for a directive****Article 1 — paragraph 1 — point 12 b (new)**

Directive 2008/98/EC

Article 12 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

(12b) In Article 12, the following paragraph is added:

‘1b. The Commission shall review the disposal operations listed in Annex I. In light of that review, the Commission shall adopt delegated acts supplementing this Directive laying down technical criteria and operational procedures for the disposal operations D2, D3, D4, D6, D7, and D12. If appropriate, those delegated acts shall establish a ban on the disposal operations that do not meet the requirements laid down in Article 13.’;

Tuesday 14 March 2017

Amendment 188**Proposal for a directive****Article 1 — paragraph 1 — point 12 c (new)**

Directive 2008/98/EC

Article 12 — paragraph 1 c (new)

Text proposed by the Commission

Amendment**(12c) In Article 12, the following paragraph is added:**

‘1c. Member States shall take specific measures to prevent the disposal of waste, both directly and indirectly, into the marine environment. Member States shall report to the Commission the measures put into place to implement this paragraph 18 months after the entry into force of this Directive and every two years following that date. The Commission shall publish a biennial report based on the information provided within six months.

The Commission shall adopt implementing acts to establish modalities and indicators for the implementation of this paragraph. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).’;

Amendment 189**Proposal for a directive****Article 1 — paragraph 1 — point 12 d (new)**

Directive 2008/98/EC

Article 15 — paragraph 4 a (new)

Text proposed by the Commission

Amendment**(12d) In Article 15, the following paragraph is added:**

‘4a. In accordance with Directive 2014/24/EU, Member States may take measures to ensure that the selection procedure for waste management operators, carried out by local authorities and organisations which implement extended producer responsibility on behalf of a producer of products, includes social clauses with a view to supporting the role of social and solidarity enterprises and platforms.’;

Tuesday 14 March 2017

Amendment 190**Proposal for a directive****Article 1 — paragraph 1 — point 12 e (new)**

Directive 2008/98/EC

Article 18 — paragraph 3

Present text

Amendment

(12e) In Article 18, paragraph 3 is replaced by the following:

3. ***Subject to technical and economic feasibility criteria,*** where hazardous waste has been mixed in a manner contrary to paragraph 1, ***separation*** shall ***be*** carried out where ***possible and necessary in order to comply with Article 13.***

‘3. Where hazardous waste has been mixed in a manner contrary to paragraph 1, **Member States** shall **ensure, without prejudice to Article 36, that separation** is carried out where **technically feasible.**

Where separation is not technically feasible, the mixed waste shall be treated in an installation permitted to treat such a mixture as well as the individual components of this mixture.’;

Amendment 191**Proposal for a directive****Article 1 — paragraph 1 — point 12 f (new)**

Directive 2008/98/EC

Article 20 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

(12f) in Article 20, the following paragraph is inserted:

‘By 1 January 2020, Member States shall set up separate collection and reception systems for hazardous waste generated by households to ensure that hazardous waste is treated correctly and does not contaminate other municipal waste streams.’;

Tuesday 14 March 2017

Amendment 192**Proposal for a directive****Article 1 — paragraph 1 — point 12 g (new)**

Directive 2008/98/EC

Article 20 — paragraph 1 b (new)

Text proposed by the Commission

Amendment

(12 g) in Article 20, the following paragraph is inserted:

‘By ... [18 months after the date of entry into force of this Directive], the Commission shall draw up guidelines to assist and facilitate Member States in the collection and the safe management of hazardous waste generated by households.’;

Amendment 193**Proposal for a directive****Article 1 — paragraph 1 — point 12 h (new)**

Directive 2008/98/EC

Article 21 — paragraph 1 — point a

Present text

Amendment

(12h) In Article 21(1), point a is replaced by the following:

(a) waste oils are collected separately, ***where this is technically feasible;***

‘(a) waste oils are collected separately;’;

Amendment 194**Proposal for a directive****Article 1 — paragraph 1 — point 12 i (new)**

Directive 2008/98/EC

Article 21 — paragraph 1 — point c

Present text

Amendment

(12i) In Article 21(1), point c is replaced by the following:

(c) ***where this is technically feasible and economically viable,*** waste oils of different characteristics are not mixed and waste oils are not mixed with other kinds of waste or substances, if such mixing impedes their ***treatment.***

‘(c) waste oils of different characteristics are not mixed and waste oils are not mixed with other kinds of waste or substances, if such mixing impedes their regeneration.’;

Tuesday 14 March 2017

Amendment 195**Proposal for a directive****Article 1 — paragraph 1 — point 12 j (new)**

Directive 2008/98/EC

Article 21 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

(12j) In Article 21, the following paragraph is inserted:

‘1a. Member States shall take the necessary measures designed to achieve that, by 2025, regeneration of waste oils is increased to a minimum of 85 % of the generated waste oils.

Waste oils sent to another Member State for the purpose of regeneration in that other Member State may only be counted towards the attainment of the target by the Member State in which those waste oils were collected, and if the relevant requirements of Regulation (EC) No 1013/2006 on transboundary shipments of hazardous waste are satisfied.

Waste oils exported from the Union for regeneration, preparing for re-use or recycling shall only count towards the attainment of the target by the Member State in which they were collected if, in accordance with Regulation (EC) No 1013/2006, the exporter can prove that the shipment of waste complies with the requirements of that Regulation and that the regeneration treatment of waste oils outside the Union took place in conditions that are equivalent to the requirements of the relevant Union environmental law.’;

Amendment 196**Proposal for a directive****Article 1 — paragraph 1 — point 12 k (new)**

Directive 2008/98/EC

Article 21 — paragraph 2

Present text

Amendment

(12k) In Article 21, paragraph 2 is replaced by the following:

2. For the purposes of separate collection of waste oils and their proper treatment, Member States may, according to their national conditions, apply additional measures such as technical requirements, producer responsibility, economic instruments or voluntary agreements.

‘2. To comply with the obligations set out in paragraphs 1 and 1a, Member States may, according to their national conditions, apply additional measures such as technical requirements, producer responsibility, economic instruments or voluntary agreements.’;

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Amendment 197**Proposal for a directive****Article 1 — paragraph 1 — point 12 1 (new)**

Directive 2008/98/EC

Article 21 — paragraph 3

Present text

Amendment

(12l) In Article 21, paragraph 3 is replaced by the following:

3. ***If waste oils, according to national legislation, are subject to requirements of regeneration, Member States may prescribe that such waste oils shall be regenerated if technically feasible and,*** where Articles 11 or 12 of Regulation (EC) No 1013/2006 apply, restrict the transboundary shipment of waste oils from their territory to incineration or co-incineration facilities in order to give priority to the regeneration of waste oils.

‘3. Member States may, where Articles 11 or 12 of Regulation (EC) No 1013/2006 apply, restrict the transboundary shipment of waste oils from their territory to incineration or co-incineration facilities in order to give priority to the regeneration of waste oils.’;

Amendment 198**Proposal for a directive****Article 1 — paragraph 1 — point 13**

Directive 2008/98/EC

Article 22 — paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure ***the*** separate collection of bio-waste ***where technically, environmentally and economically practicable and appropriate to ensure the relevant quality standards for compost and to attain the targets set out in Article 11(2) (a), (c) and (d) and 11(3).***

1. Member States shall ensure separate collection ***at source*** of bio-waste, ***in accordance with Article 10(2).***

Amendment 199**Proposal for a directive****Article 1 — paragraph 1 — point 13**

Directive 2008/98/EC

Article 22 — paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall encourage home-composting.

Tuesday 14 March 2017

Amendment 237

Proposal for a directive

Article 1 — paragraph 1 — point 13

Directive 2008/98/EC

Article 22 — paragraph 2

Text proposed by the Commission

They shall take measures, **as appropriate, and** in accordance with Articles 4 and 13, to **encourage the following**:

- (a) **the recycling, including composting, and digestion of bio-waste;**
- (b) **the treatment of biowaste in a way that fulfils a high level of environmental protection;**
- (c) **the use of environmentally safe materials produced from bio-waste.**

Amendment

2. **Member States** shall take measures, **including traceability and input- and output-related quality assurance schemes**, in accordance with Articles 4 and 13, to **ensure the organic recycling of bio-waste in a way that fulfils a high level of environmental protection and the output of which meets relevant high quality standards.**

Amendment 242

Proposal for a directive

Article 1 — paragraph 1 — point 13

Directive 2008/98/EC

Article 22 — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. **The weight of bio-waste recycled shall be understood as the weight of the input waste entering an organic recycling process in a given year.**

The weight of materials or substances that are not subject to a final recycling process and that are disposed of or subject to energy recovery shall not be reported as recycled.

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Amendment 201**Proposal for a directive****Article 1 — paragraph 1 — point 13**

Directive 2008/98/EC

Article 22 — paragraph 2 b (new)

*Text proposed by the Commission**Amendment*

2b. The Commission shall, by 31 December 2018, propose an amendment to Regulation (EC) No 2150/2002 of the European Parliament and of the Council^(1a) to introduce European waste codes for municipal bio-waste that has been separately collected at source.

^(1a) Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1).

Amendment 238**Proposal for a directive****Article 1 — paragraph 1 — point 13**

Directive 2008/98/EC

Article 22 — paragraph 2 c (new)

*Text proposed by the Commission**Amendment*

2c. By 31 December 2018, the Commission shall request the European standardisation organisations to develop European quality standards for bio-waste entering organic recycling processes, for compost and for digestate, based on best available practices.

Amendment 202**Proposal for a directive****Article 1 — paragraph 1 — point 13 a (new)**

Directive 2008/98/EC

Article 24 — paragraph 1 — point b

*Present text**Amendment*

(13a) In Article 24, point b is replaced by the following:

b) recovery of waste.

b) recovery of **non-hazardous** waste.;

Tuesday 14 March 2017

Amendment 203**Proposal for a directive****Article 1 — paragraph 1 — point 14**

Directive 2008/98/EC

Article 26 — paragraph 3

Text proposed by the Commission

Member States may exempt the competent authorities from keeping a register of establishments or undertakings which collect or transport quantities of non-hazardous waste not exceeding 20 tonnes annually.

Amendment

Member States may exempt the competent authorities from keeping a register of establishments or undertakings which collect or transport quantities of non-hazardous waste not exceeding 20 tonnes **and of hazardous waste not exceeding 2 tonnes** annually.

Amendment 204**Proposal for a directive****Article 1 — paragraph 1 — point 14**

Directive 2008/98/EC

Article 26 — paragraph 4

Text proposed by the Commission

The Commission may adopt delegated acts in accordance with Article 38a in order to adapt the threshold for quantities of non-hazardous waste.

*Amendment***deleted****Amendment 205****Proposal for a directive****Article 1 — paragraph 1 — point 15 — point a**

Directive 2008/98/EC

Article 27 — paragraph 1

Text proposed by the Commission

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a setting out technical minimum standards for treatment activities which require a permit pursuant to Article 23 where there is evidence that a benefit in terms of the protection of human health and the environment would be gained from such minimum standards.

Amendment

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 38a setting out technical minimum standards for **any** treatment activities, **in particular for separate collection, sorting and recycling of waste**, which require a permit pursuant to Article 23 where there is evidence that a benefit in terms of the protection of human health and the environment would be gained from such minimum standards.

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Amendment 206**Proposal for a directive****Article 1 — paragraph 1 — point 16 — point a — point ii**

Directive 2008/98/EC

Article 28 — paragraph 3 — point f

Text proposed by the Commission

(f) measures to combat all forms of littering and to clean up all types of litter.

Amendment

(f) measures to combat **and prevent** all forms of littering and to clean up all types of litter.

Amendment 207**Proposal for a directive****Article 1 — paragraph 1 — point 16 — point a — point ii a (new)**

Directive 2008/98/EC

Article 28 — paragraph 3 — point f a (new)

*Text proposed by the Commission**Amendment*

(iia) the following point is added:

‘(fa) **sufficient funding opportunities for local authorities to promote waste prevention and develop optimal separate collection schemes and infrastructure in order to comply with the objectives set out in this Directive.**’;

Amendment 208**Proposal for a directive****Article 1 — paragraph 1 — point 16 — point b**

Directive 2008/98/EC

Article 28 — paragraph 5

Text proposed by the Commission

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC, the targets laid down in Article 11(2) **and (3)** of this Directive and the requirements in Article 5 of Directive 1999/31/EC.

Amendment

5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC, the targets laid down in Article 11(2) of this Directive and the requirements in Article 5 of Directive 1999/31/EC.

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Amendment 209**Proposal for a directive****Article 1 — paragraph 1 — point 17 — point a**

Directive 2008/98/EC

Article 29 — paragraph 1 — subparagraph 1

Text proposed by the Commission

1. Member States shall establish waste prevention programmes setting out waste prevention measures in accordance with **Articles 1, 4 and 9**.

Amendment

1. ***In order to contribute towards reaching at least the objectives listed in Article 1, Article 4 and paragraph - 1 of Article 9***, Member States shall establish waste prevention programmes, setting out ***at least*** waste prevention measures in accordance with ***paragraph 1 of Article 9***.

Amendment 210**Proposal for a directive****Article 1 — paragraph 1 — point 17 — point a a (new)**

Directive 2008/98/EC

Article 29 — paragraph 1 — subparagraph 2

Present text

Such programmes shall be integrated either into the waste management plans provided for in Article 28 or into other environmental policy programmes, as appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into other programmes, the waste prevention measures shall be clearly identified.

Amendment

(aa) ***in paragraph 1, the second subparagraph is replaced by the following:***

‘Such programmes shall be integrated either into the waste management plans provided for in Article 28 or into other environmental policy programmes, as appropriate, or shall function as separate programmes. If any such programme is integrated into the waste management plan or into other programmes, the waste prevention ***objectives and*** measures shall be clearly identified.’

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Amendment 211**Proposal for a directive****Article 1 — paragraph 1 — point 17 — point a b (new)**

Directive 2008/98/EC

Article 29 — paragraph 2

*Present text**Amendment*

(ab) ***in paragraph 2, the first subparagraph is replaced by the following:***

2. The programmes ***provided for*** in paragraph 1 ***shall set out the waste prevention objectives***. Member States shall describe the ***existing*** prevention measures ***and*** evaluate the usefulness of the examples of measures indicated in Annex IV or other appropriate measures.

‘2. ***In*** the programmes ***referred to*** in paragraph 1, Member States shall describe, ***at least, the implementation of*** the prevention measures ***referred to in paragraph 1 of Article 9 and their contribution to the achievement of the objectives set out in paragraph - 1 of Article 9. Member States shall, where relevant, describe the contribution of instruments and measures listed in Annex IVa and shall*** evaluate the usefulness of the examples of measures indicated in Annex IV or other appropriate measures.’

Amendment 212**Proposal for a directive****Article 1 — paragraph 1 — point 17 — point a c (new)**

Directive 2008/98/EC

Article 29 — paragraph 2 a (new)

*Text proposed by the Commission**Amendment*

(ac) ***the following paragraph is inserted:***

‘2a. Member States shall adopt specific food waste prevention programmes within their waste prevention programmes as referred to in this Article.’;

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Amendment 213

Proposal for a directive

Article 1 — paragraph 1 — point 17 a (new)

Directive 2008/98/EC

Article 30 — paragraph 2

Present text

Amendment

(17a) In Article 30, paragraph 2 is replaced by the following:

2. The European Environment Agency **is invited to include in its annual** report a review of progress in the completion and implementation of waste prevention programmes.

‘2. The European Environment Agency **shall publish every two years a** report **containing** a review of the progress **made** in the completion and implementation of waste prevention programmes **and the achievements made as regards the objectives of the waste prevention programmes for each Member State and for the Union as a whole, including the decoupling of waste generation from economic growth and the transition towards a circular economy.**’;

Amendment 214

Proposal for a directive

Article 1 — paragraph 1 — point 19 — point b

Directive 2008/98/EC

Article 35 — paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall set up an electronic registry or coordinated registries to record the data on hazardous waste referred to in paragraph 1 covering the entire geographical territory of the Member State concerned. Member States **may** establish such registries for **other waste streams, in particular those** waste streams for which targets are set in Union legislation. Member States shall use the data on waste reported by industrial operators in the European Pollutant Release and Transfer Register set up under Regulation (EC) No 166/2006 of the European Parliament and of the Council (*).

4. Member States shall set up an electronic registry or coordinated registries, **or use already established electronic registries or coordinated registries**, to record the data on hazardous waste referred to in paragraph 1 covering the entire geographical territory of the Member State concerned. Member States **shall** establish such registries for **at least the** waste streams for which targets are set in Union legislation. Member States shall use the data on waste reported by industrial operators in the European Pollutant Release and Transfer Register set up under Regulation (EC) No 166/2006 of the European Parliament and of the Council (*).

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Amendment 215**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 1

Text proposed by the Commission

1. Member States shall report the data concerning the **implementation of Article 11(2)(a) to (d) and Article 11(3)** for each calendar year to the Commission. They shall **report** this data electronically within **18** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting shall cover the data for the period from 1 January 2020 to 31 December 2020.

Amendment

1. Member States shall report the data concerning the **progress towards the achievement of the targets laid down in paragraph - 1 of Article 9, points (a) to (d) of Article 11(2), Article 11(3) and (3a) and Article 21** for each calendar year to the Commission. They shall **collect and process** this data **in accordance with the common methodology referred to in paragraph 6 of this Article and report it** electronically within **12** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting, **with respect to the targets in points (c) and (d) of Article 11(2) and in Article 11(3),** shall cover the data for the period from 1 January 2020 to 31 December 2020.

Amendment 216**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 2

Text proposed by the Commission

2. **Member States shall report the data concerning the implementation of Article 9(4) to the Commission every second year. They shall report this data electronically within 18 months of the end of the reporting period for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 6. The first reporting shall cover the period from 1 January 2020 to 31 December 2021.**

*Amendment***deleted**

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Amendment 217**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 3 a (new)

*Text proposed by the Commission**Amendment*

3a. For the purpose of verifying compliance with points (c) and (d) of Article 11(2), the amount of municipal waste prepared for re-use shall be reported separately from the amount of waste recycled.

Amendment 218**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 5

*Text proposed by the Commission**Amendment*

5. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. The report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States **as well as** the completeness, reliability, timeliness and consistency of **that** data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

5. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. **Until the delegated act referred to in paragraph 6 has been adopted,** the report shall assess the organisation of the data collection, the sources of data and the methodology used in Member States. **The Commission shall in any event assess** the completeness, reliability, timeliness and consistency of **the** data. The assessment may include specific recommendations for improvement. The report shall be drawn up **nine months after the first reporting of the data by the Member States and** every three years **thereafter**.

Amendment 219**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 5 a (new)

*Text proposed by the Commission**Amendment*

5a. In the report referred to in paragraph 5, the Commission shall include information on the implementation of this Directive as a whole and evaluate its impact on human health and the environment. If appropriate, a proposal to revise this Directive may accompany the report.

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Amendment 220**Proposal for a directive****Article 1 — paragraph 1 — point 21**

Directive 2008/98/EC

Article 37 — paragraph 6

Text proposed by the Commission

6. The Commission shall adopt **implementing** acts laying down the format for reporting data in accordance with **paragraphs 1 and 2** and for the reporting on backfilling operations. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 39(2).**

Amendment

6. The Commission shall adopt **delegated** acts **in accordance with Article 38a in order to supplement this Directive by** laying down **the common methodology for data collection and processing, the organisation of the data collection and the sources of data and the rules on the** format for reporting data in accordance with **paragraph 1** and for the reporting on **preparing for re-use and** backfilling operations.

Amendment 221**Proposal for a directive****Article 1 — paragraph 1 — point 21 a (new)**

Directive 2008/98/EC

Article 37 a (new)

*Text proposed by the Commission**Amendment*

(21a) the following Article is inserted:

‘Article 37a

Framework for the Circular Economy

In order to support the measures referred to in Article 1, and no later than 31 December 2018, the Commission shall:

- (a) draw up a report assessing the need for Union targets, particularly for a Union resource efficiency target, and for cross-cutting regulatory measures in the area of sustainable consumption and production. It shall be accompanied by a legislative proposal, if appropriate;**
- (b) draw up a report on the consistency between the Union’s regulatory frameworks for products, waste and chemicals in order to identify obstacles hampering the shift to a circular economy;**

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Text proposed by the Commission

Amendment

- (c) *draw up a report to identify the interactions between legislative acts that may hamper the development of synergies between different industries and prevent the subsequent use of by-products and the preparation for re-use and recycling of waste for specific applications. This report shall be accompanied by a legislative proposal, if appropriate, or by a guidance on how to remove identified barriers and how to unleash the market potential of by-products and secondary raw materials;*
- (d) *present a comprehensive review of Union ecodesign legislation in order to broaden its scope to cover all main product groups, including non-energy related product groups, and gradually to include relevant resource-efficiency features in the mandatory requirements for product design and to adapt eco-labelling provisions.';*

Amendment 222**Proposal for a directive****Article 1 — paragraph 1 — point 21 a (new)**

Directive 2008/98/EC

Article 38 — title

Present text

Amendment

(21a) in Article 38, the title is replaced by the following:

Interpretation and adaptation to technical progress

'Exchange of information and sharing of best practices, interpretation and adaptation to technical progress'**Amendment 223****Proposal for a directive****Article 1 — paragraph 1 — point 22**

Directive 2008/98/EC

Article 38 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

- 1. The Commission shall establish a platform for a regular and structured exchange of information and sharing of best practices between the Commission and the Member States, including with regional and municipal authorities, on the practical implementation of the requirements of this Directive with a view to ensuring adequate governance, enforcement, cross-border cooperation and the spread of best practices and innovations in the field of waste management.

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Text proposed by the Commission

Amendment

In particular, the platform shall be used to:

- *exchange information and share best practices with regard to the instruments and incentives used in accordance with Article 4(3) in order to boost the achievement of the objectives laid down in Article 4.*
- *exchange information and share best practices as regards measures laid down in paragraphs 1 and 2 of Article 8;*
- *exchange information and share best practices with regard to prevention and the setting up of systems which promote re-use activities and the extension of life span;*
- *exchange information and share best practices on the implementation of the obligations with regard to separate collection;*
- *exchange information and share best practices with regard to the instruments and incentives towards achieving the targets laid down in points (c) and (d) of Article 11(2) and in Article 21;*
- *share best practices for developing measures and systems to trace municipal waste streams from sorting to final recycling process, which is of key importance in controlling quality of waste and measure the losses in waste streams and recycling processes.*

The Commission shall make the results of that exchange of information and sharing of best practices publicly available.

Amendment 224

Proposal for a directive

Article 1 — paragraph 1 — point 22

Directive 2008/98/EC

Article 38 — paragraph 1 — subparagraph 1

Text proposed by the Commission

Amendment

The Commission **may** develop guidelines for the interpretation of the definitions of recovery and disposal.

The Commission **shall** develop guidelines for the interpretation of the definitions of **waste, municipal waste, prevention, re-use, preparing for re-use**, recovery and disposal.

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Amendment 225**Proposal for a directive****Article 1 — paragraph 1 — point 22**

Directive 2008/98/EC

Article 38 — paragraph 3

*Text proposed by the Commission**Amendment*

3. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 38a necessary to amend Annexes VI.***

deleted**Amendment 226****Proposal for a directive****Article 1 — paragraph 1 — point 23**

Directive 2008/98/EC

Article 38 a — paragraph 2

*Text proposed by the Commission**Amendment*

2. The power to adopt the delegated acts referred to in Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), **26**, 27(1), 27(4), 38(1), 38(2) **and 38(3)** shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

2. The power to adopt the delegated acts referred to in Articles 5(2), 6(2), **6(4)**, 7(1), **8(5)**, **9(2a)**, **9(3)**, **9(3a)**, 11a(2), 11a(6), **12(1b)**, 27(1), 27(4), **37(6)**, 38(1) **and** 38(2) shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

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Amendment 227**Proposal for a directive****Article 1 — paragraph 1 — point 23**

Directive 2008/98/EC

Article 38 a — paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), **26**, 27(1), 27(4), 38(1), 38(2) **and 38(3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 5(2), 6(2), **6(4)**, 7(1), **8(5)**, **9(2a)**, **9(3)**, **9(3a)**, 11a(2), 11a(6), **12(1b)**, 27(1), 27(4), **37(6)**, 38(1) **and** 38(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 228**Proposal for a directive****Article 1 — paragraph 1 — point 23**

Directive 2008/98/EC

Article 38 a — paragraph 3 a (new)

*Text proposed by the Commission**Amendment*

3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

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Amendment 229**Proposal for a directive****Article 1 — paragraph 1 — point 23**

Directive 2008/98/EC

Article 38 a — paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 5(2), 6(2), 7(1), 11a(2), 11a(6), **26**, 27(1), 27(4), 38(1), 38(2) **and 38(3)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles 5(2), 6(2), **6(4)**, 7(1), **8(5)**, **9(2a)**, **9(3)**, **9(3a)** 11a(2), 11a(6), **12(1b)**, 27(1), 27(4), **37(6)**, 38(1) **and** 38(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 230**Proposal for a directive****Article 1 — paragraph 1 — point 24 a (new)**

Directive 2008/98/EC

Annex II — point R13 a (new)

*Text proposed by the Commission**Amendment*

(24a) In Annex II, the following point is inserted:
‘R13 a: preparation for re-use.’;

Amendment 231**Proposal for a directive****Article 1 — paragraph 1 — point 24 b (new)**

Directive 2008/98/EC

Annex IV a (new)

*Text proposed by the Commission**Amendment*

(24b) Annex IVa is inserted in accordance with the Annex to this Directive.

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Amendment 232**Proposal for a directive****Article 1 — paragraph 1 — point 25**

Directive 2008/98/EC

Annex VI (new)

Text proposed by the Commission

Amendment

(25) **Annex VI is added in accordance with the Annex to this Directive.**

deleted**Amendment 233****Proposal for a directive****Annex I**

Directive 2008/98/EC

Annex VI

Text proposed by the Commission

Amendment

Calculation method for preparing for re-use of products and components for the purpose of Article 11(2)(c) and (d) and Article 11 (3)

deleted

In order to calculate the adjusted rate of recycling and preparation for re-use in accordance with Article 11(2)(c) and (d) and Article 11(3), Member States shall use the following formula:

$$E = \frac{(A + R) \cdot 100}{(P + R)}$$

E: adjusted recycling and re-use rate in a given year;

A: weight of municipal waste recycled or prepared for re-use in a given year;

R: weight of products and components prepared for re-use in a given year;

P: weight of municipal waste generated in a given year.

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Amendment 234
Proposal for a directive
Annex -I (new)
Directive 2008/98/EC
Annex IV a (new)

Text proposed by the Commission

Amendment

Annex -I

The following Annex IVa is inserted:

‘Annex IVa

Indicative list of instruments to promote a shift to a circular economy

1. Economic instruments:

- 1.1** *progressive increase of landfill taxes and/or fees for all categories of waste (municipal, inert, others);*
- 1.2** *introduction or increase of incineration taxes and/or fees;*
- 1.3** *introduction of “pay-as-you-throw” systems;*
- 1.4** *measures to improve the cost efficiency of existing and forthcoming producer responsibility schemes;*
- 1.5** *extension of the scope of the financial and/or operational producer responsibility to new waste streams;*
- 1.6** *economic incentives for local authorities to promote prevention, develop and intensify separate collection schemes;*
- 1.7** *measures to support the development of the re-use sector;*
- 1.8** *measures to suppress subsidies that are not consistent with the waste hierarchy;*

2. Other measures:

- 2.1** *sustainable public procurement to promote sustainable production and consumption;*
- 2.2** *technical and fiscal measures to support the development of markets for re-used products and recycled (including composted) materials as well as to improve the quality of recycled materials;*

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Text proposed by the Commission

Amendment

-
- 2.3 **implement best available techniques for waste treatment aiming at removal of substances of very high concern where this is technically and economically viable;**
 - 2.4 **measures to increase public awareness of proper waste management and litter reduction, including ad hoc campaigns to ensure waste reduction at source and a high level of participation in the separate collection schemes;**
 - 2.5 **measures to ensure an appropriate coordination, including by digital means, between all competent public authorities involved in waste management, and to ensure the involvement of other key stakeholders;**
 - 2.6 **use of the European Structural and Investment Funds in order to finance the development of the waste management infrastructure needed to meet the relevant targets.’.**
-

Tuesday 14 March 2017

P8_TA(2017)0071

Landfill of waste ***I

Amendments adopted by the European Parliament on 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/31/EC on the landfill of waste (COM(2015)0594 — C8-0384/2015 — 2015/0274(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 263/31)

Amendment 1

Proposal for a directive

Recital - 1 (new)

Text proposed by the Commission

Amendment

- (-1) *In view of the Union's dependence on the import of raw materials and the rapid depletion of a significant amount of natural resources in the short-term, it is a key challenge to reclaim as many resources as possible within the Union and to enhance the transition towards a circular economy.*

Amendment 2

Proposal for a directive

Recital - 1 a (new)

Text proposed by the Commission

Amendment

- (-1a) *Waste management needs to be transformed into sustainable material management. The revision of the Landfill Directive offers an opportunity to that end.*

Amendment 3

Proposal for a directive

Recital 1

Text proposed by the Commission

Amendment

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources **and** promoting a more circular economy.

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources, promoting a more circular economy, **increasing energy efficiency and reducing the Union's resource dependence**

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0031/2017).

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Amendment 51
Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

- (1 a) *The circular economy should implement explicit provisions of the 7th Environment Action Programme, which calls for the development of non-toxic material cycles so that recycled waste can be used as a major and reliable source of raw material for the Union.*

Amendment 5
Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

- (2) The targets laid down in Council Directive 1999/31/EC⁽¹⁴⁾ setting landfill restrictions should be **amended** to make them better reflect the Union's ambition to move to a circular economy and make progress in the implementation of the Raw Materials Initiative⁽¹⁵⁾ by **reducing** landfilling of waste destined for landfills for non-hazardous waste.

⁽¹⁴⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.07.1999, p. 1).

⁽¹⁵⁾ COM(2008)0699 and COM(2014)0297.

- (2) The targets laid down in Council Directive 1999/31/EC⁽¹⁴⁾ setting landfill restrictions should be **strengthened** to make them better reflect the Union's ambition to move to a circular economy and make progress in the implementation of the Raw Materials Initiative⁽¹⁵⁾ by **gradually minimising** landfilling of waste destined for landfills for non-hazardous waste. **The Commission and Member States should ensure that this fits into an integrated policy which ensures a sound application of the waste hierarchy, enhances a shift towards prevention, reuse and recycling, and prevents a shift from landfilling towards incineration.**

⁽¹⁴⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.07.1999, p. 1).

⁽¹⁵⁾ COM(2008)0699 and COM(2014)0297.

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Amendment 6
Proposal for a directive

Recital 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(4) In order to ensure greater coherence in waste legislation, the definitions in Directives 1999/31/EC should be aligned to those of Directive 2008/98/EC of the European Parliament and of the Council ⁽¹⁶⁾ .	(4) In order to ensure greater coherence in waste legislation, the definitions in Directives 1999/31/EC should be aligned, where relevant , to those of Directive 2008/98/EC of the European Parliament and of the Council ⁽¹⁶⁾ .
⁽¹⁶⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	⁽¹⁶⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 7
Proposal for a directive

Recital 5

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(5) Clear environmental, economic and social benefits would be derived from further restricting landfilling, starting with waste streams that are subject to separate collection (e.g. plastics, metals, glass, paper, bio-waste). Technical, environmental or economical feasibility of recycling or other recovery of residual waste resulting from separately collected waste should be taken into account in the implementation of these landfill restrictions.	(5) Clear environmental, economic and social benefits would be derived from further restricting landfilling, starting with waste streams that are subject to separate collection (e.g. plastics, metals, glass, paper, bio-waste), with the objective to accept only residual waste. Long-term investments in infrastructure and in research and innovation will play a crucial role in reducing the amount of residual waste from separately collected waste, the recycling or other recovery of which is not technically, environmentally or economically feasible at the present time.

Amendment 8
Proposal for a directive
Recital 5 a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	(5a) A political and societal incentive to restrict further landfilling as a sustainable way to handle natural resources within a circular economy should respect the waste management hierarchy laid down in Article 4 of Directive 2008/98/EC and strictly apply an approach where prevention takes priority and the precautionary principle is respected.

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Amendment 9
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) Biodegradable municipal waste accounts for a large proportion of municipal waste. Landfilling of untreated biodegradable waste poses significant negative **enviorn-mental** effects in terms of greenhouse gas emissions and pollution of surface water, groundwater, soil and air. While Directive 1999/31/EC already sets landfill diversion targets for biodegradable waste it is appropriate to put in place further restrictions on the landfilling of biodegradable waste by prohibiting the landfilling of biodegradable waste **that has been** separately collected in accordance with Article 22 of Directive 2008/98/EC.

Amendment

- (6) Biodegradable municipal waste accounts for a large proportion of municipal waste. Landfilling of untreated biodegradable waste poses significant negative **environ-mental** effects in terms of greenhouse gas emissions and pollution of surface water, groundwater, soil and air. While Directive 1999/31/EC already sets landfill diversion targets for biodegradable waste it is appropriate to put in place further restrictions on the landfilling of biodegradable waste by prohibiting the landfilling of biodegradable waste **to be** separately collected in accordance with Article 22 of Directive 2008/98/EC.

Amendment 10
Proposal for a directive
Recital 7

Text proposed by the Commission

- (7) Many Member States have not yet completely developed the necessary waste management infrastructure. The setting of landfill reduction targets will further facilitate separate collection, sorting and recycling **of waste** and avoid locking potentially recyclable materials at the **bottom** of the waste hierarchy.

Amendment

- (7) Many Member States have not yet completely developed the necessary waste management infrastructure. The setting of **clear and ambitious** landfill reduction targets will further **encourage investments to** facilitate separate collection, sorting and recycling and avoid locking potentially recyclable materials at the **lowest level** of the waste hierarchy.

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Amendment 11
Proposal for a directive
Recital 8

Text proposed by the Commission

- (8) A progressive **reduction** of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy. This **reduction** should avoid the development of excessive capacity for the treatment of residual waste **facilities**, such as through energy recovery **or low grade mechanical biological treatment of untreated municipal waste**, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC. Similarly, and to prevent detrimental impacts on human health and the environment, while Member States should take all necessary measures to ensure that only waste that has been subject to treatment is landfilled, compliance with such obligation should not lead to the creation of overcapacities for the treatment of residual municipal waste. In addition, in order to ensure consistency between the targets laid down in Article 11 of Directive 2008/98/EC and the landfill reduction target defined in Article 5 of this Directive and to ensure a coordinated planning of the infrastructures and investments needed to meet those targets, Member States which may obtain additional time for the attainment of the municipal waste recycling targets should also be given additional time to attain the landfill reduction target for 2030 as laid down in this Directive.

Amendment

- (8) A progressive **minimization** of landfilling is necessary to prevent detrimental impacts on human health and the environment and to ensure that economically valuable waste materials are gradually and effectively recovered through proper waste management and in line with the waste hierarchy **as laid down in Directive 2008/98/EC**. This **progressive minimization of landfilling will require major changes in waste management in many Member States. With improved statistics on waste collection and treatment and improved traceability of waste streams it should be possible to** avoid the development of excessive capacity for the treatment of residual waste, such as through energy recovery, as this could result in undermining the achievement of the Union's long-term preparation for reuse and recycling targets for municipal waste as laid down in Article 11 of Directive 2008/98/EC. Similarly, and to prevent detrimental impacts on human health and the environment, while Member States should take all necessary measures to ensure that only waste that has been subject to treatment is landfilled, compliance with such **an** obligation should not lead to the creation of overcapacities for the treatment of residual municipal waste. **In light of recent investments made in some Member States that led to overcapacities for energy recovery or the establishment of mechanical biological treatment, it is essential to give a clear signal to the waste operators and to Member States to avoid investments that are incompatible with the long-term targets set in the Landfill and Waste framework Directives. For those reasons, a limit on the incineration of municipal waste in line with the preparation for reuse and recycling targets in Article 11 of Directive 2008/98/EC and Article 5 of Directive 1999/31/EC could be considered.** In addition, in order to ensure consistency between the targets laid down in Article 11 of Directive 2008/98/EC and the landfill reduction target defined in Article 5 of this Directive and to ensure a coordinated planning of the infrastructures and invest

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Text proposed by the Commission

Amendment

ments needed to meet those targets, Member States which may obtain additional time for the attainment of the municipal waste recycling targets should also be given additional time to attain the landfill reduction target for 2030 as laid down in this Directive.

Amendment 12
Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

- (8a) *In order to help achieve the objectives of this Directive, and to boost the transition to a circular economy, the Commission should promote the coordination and exchange of information and best practices among Member States and different sectors of the economy. That exchange could be facilitated through communication platforms that could help raise awareness of new industrial solutions and allow for a better overview of available capacities and would contribute to connecting the waste industry and other sectors and to support industrial symbiosis.*

Amendment 13
Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

- (8b) *The Commission should promote the coordination and exchange of information and best practices among Member States, regional and, in particular, local authorities, involving all relevant civil society organizations, including the social partner and environmental and consumer organisations.*

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Amendment 14
Proposal for a directive
Recital 8 c (new)

Text proposed by the Commission

Amendment

- (8c) *To implement and enforce the objectives of this Directive in an adequate manner, it is necessary to ensure that the local authorities of the territories where landfills are located are recognised as relevant actors, as they suffer directly the consequences of landfilling. Consequently, public and democratic consultation should be ensured in the localities and supra-municipal areas where a landfill is going to be established in advance and appropriate compensation should be established for the local population.*

Amendment 15
Proposal for a directive
Recital 8 d (new)

Text proposed by the Commission

Amendment

- (8d) *The Commission should guarantee that every landfill in the Union is audited in order to ensure the proper implementation of Union and national law.*

Amendment 16
Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

- (9) In order to ensure better, timelier, and more uniform implementation of this Directive and anticipate implementation weaknesses, an early warning system should be established to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets.

- (9) In order to ensure better, timelier, and more uniform implementation of this Directive and anticipate implementation weaknesses, an early warning system should be established to detect shortcomings and allow taking action ahead of the deadlines for meeting the targets *and the exchange of best practices among the various stakeholders should be promoted.*

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Amendment 17
Proposal for a directive
Recital 11

Text proposed by the Commission

- (11) **Statistical data** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **statistics** should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 1999/31/EC, Member States **should be required to** use the **most recent** methodology developed by the Commission **and** the national statistical offices of the Member States.

Amendment

- (11) **Data and information** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **reported data** should be improved by **establishing a common methodology for collection and processing of data based on reliable sources and by** introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report. Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 1999/31/EC, Member States **should** use the **common** methodology developed by the Commission **in cooperation with** the national statistical offices of the Member States **and the national authorities responsible for waste management**.

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Amendment 18
Proposal for a directive
Recital 12

Text proposed by the Commission

- (12) In order to **supplement or** amend Directive 1999/31/EC, **in particular with the view to adapting its Annexes to scientific and technical progress**, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of **Article 16**. It is particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. **The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.** Any amendments to the Annexes should only be made in line with the principles laid down in this Directive. To this end, as regards Annex II, the Commission should take into account the general principles and general procedures for testing and acceptance criteria as set out in Annex II. Moreover, specific criteria and test methods and associated limit values should be set for each class of landfill, including if necessary specific types of landfill within each class, including underground storage. Proposals for the standardisation of control, sampling and analysis methods in relation to the Annexes should be considered for adoption by the Commission where appropriate within two years after the entry into force of this Directive.

Amendment

- (12) In order to amend Directive 1999/31/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission **with regard to the adaptation of the Annexes to scientific and technical progress**. It is **of** particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, **and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically should have access to meetings of Commission expert groups dealing with the preparation of delegated acts.** Any amendments to the Annexes should only be made in line with the principles laid down in this Directive. To this end, as regards Annex II, the Commission should take into account the general principles and general procedures for testing and acceptance criteria as set out in Annex II. Moreover, specific criteria and test methods and associated limit values should be set for each class of landfill, including if necessary specific types of landfill within each class, including underground storage. **Where appropriate, proposals** for the standardisation of control, sampling and analysis methods in relation to the Annexes should be considered for adoption by the Commission where appropriate within two years after the entry into force of this Directive.

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Amendment 19
Proposal for a directive
Recital 13

Text proposed by the Commission

- (13) In order to ensure uniform conditions for the implementation of Directive 1999/31/EC, implementing powers should be conferred on the Commission in respect of **Articles 3(3), Annex I, paragraph 3.5 and Annex II, paragraph 5**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁷⁾.

⁽¹⁷⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

Amendment

- (13) In order to ensure uniform conditions for the implementation of Directive 1999/31/EC, implementing powers should be conferred on the Commission **with regard to the definition of deposit of non-hazardous waste, the method to be used for the determination of the permeability coefficient for landfills under certain conditions and, because the sampling of waste is able to pose serious problems with respect to representation and techniques due to the heterogeneous nature of different types of waste, the development of a European standard for the sampling of waste**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁷⁾.

⁽¹⁷⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

Amendment 20
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) **The Commission and Member States should ensure the development of plans for the sustainable recovery and sustainable alternative usage of landfills and landfill-damaged areas.**

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Amendment 21
Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) This Directive has been adopted taking into account the commitments set out in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making and it should be implemented and applied in accordance with the guidance contained in the same Agreement.

Amendment 52/rev
Proposal for a directive
Article 1 — paragraph 1 — point - 1 (new)
 Directive 1999/31/EC
 Article 1 — paragraph - 1 (new)

Text proposed by the Commission

Amendment

(-1) In Article 1, the following paragraph is inserted:
‘-1. A progressive phasing-out of landfilling recyclable and recoverable waste is a fundamental condition to support the Union’s transition towards a circular economy.’

Amendment 23
Proposal for a directive
Article 1 — paragraph 1 — point 1 — point a
 Directive 1999/31/EC
 Article 2 — point a

Text proposed by the Commission

Amendment

(a) the definitions of ‘waste’, ‘municipal waste’, ‘hazardous waste’, ‘waste producer’, ‘waste holder’, ‘waste management’, ‘separate collection’, ‘recovery’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC of the European Parliament and of the Council (*) shall apply;

(*) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;

(a) the definitions of ‘waste’, ‘municipal waste’, ‘hazardous waste’, **‘non-hazardous waste’**, ‘waste producer’, ‘waste holder’, ‘waste management’, ‘separate collection’, ‘recovery’, ‘recycling’ and ‘disposal’ laid down in Article 3 of Directive 2008/98/EC of the European Parliament and of the Council (*) shall apply;

(*) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).;

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Amendment 24**Proposal for a directive****Article 1 — paragraph 1 — point 1 — point a a (new)**

Directive 1999/31/EC

Article 2 — point a a (new)

Text proposed by the Commission

Amendment(aa) ***the following point aa is inserted:***

(aa) ***“residual waste” means waste resulting from a treatment or a recovery operation, including recycling, which cannot be recovered further and, as a result, has to be disposed of;***

Amendment 25**Proposal for a directive****Article 1 — paragraph 1 — point 1 — point b a (new)**

Directive 1999/31/EC

Article 2 — point m

Present text

Amendment(ba) ***point m is amended as follows:***

(m) 'biodegradable waste' means ***any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food and garden waste, and paper and paperboard;***

(m) "biodegradable waste" means ***food and garden waste, paper, paperboard, wood and any other waste that can undergo anaerobic or aerobic decomposition;***

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Amendment 26**Proposal for a directive****Article 1 — paragraph 1 — point 1 a (new)**

Directive 1999/31/EC

Article 3 — paragraph 3

Present text

Amendment

(1a) In Article 3, paragraph 3 is amended as follows:

3. Without prejudice to Directive 75/442/EEC Member States may declare at their own option, that the deposit of non-hazardous waste, **to be defined by the committee established under Article 17 of this Directive**, other than inert waste, resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries and which are deposited in a manner preventing environmental pollution or harm to human health, can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 of this Directive.

‘3. Without prejudice to Directive 75/442/EEC Member States may declare at their own option, that the deposit of non-hazardous waste, other than inert waste, resulting from prospecting and extraction, treatment and storage of mineral resources as well as from the operation of quarries and which are deposited in a manner preventing environmental pollution or harm to human health, can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 of this Directive. **The Commission shall adopt implementing acts which set out what constitutes a deposit of non-hazardous waste. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).**’

Amendment 27**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point -a (new)**

Directive 1999/31/EC

Article 5 — paragraph 1

Present text

Amendment

(-a) paragraph 1 is replaced by the following:

1. Member States shall set up a national strategy for the implementation of the **reduction** of biodegradable waste going to landfills, not later than two years after the date laid down in Article 18(1) and notify the Commission of this strategy. This strategy should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production **or materials/energy** recovery. Within 30 months of the date laid down in Article 18(1) the Commission shall provide the European Parliament and the Council with a report drawing together the national strategies.

1. Member States shall set up a national strategy **in collaboration with regional and local authorities responsible for waste management** for the implementation of the **phasing-out** of biodegradable waste going to landfills, not later than two years after the date laid down in Article 18(1) and notify the Commission of this strategy. This strategy should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production, **materials recovery or when the already mentioned are not possible energy** recovery. Within 30 months of the date laid down in Article 18(1) the Commission shall provide the European Parliament and the Council with a report drawing together the national strategies.

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Amendment 28**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point b**

Directive 1999/31/EC

Article 5 — paragraph 3 — point f

Text proposed by the Commission

(f) waste that has been separately collected pursuant to Article 11 (1) and 22 of Directive 2008/98/EC.

Amendment

(f) waste that has been separately collected pursuant to Article 11 (1), and **Article 22** of Directive 2008/98/EC **and packaging or packaging waste as defined in Article 3 of Directive 94/62/EC;**

Amendment 29**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point c**

Directive 1999/31/EC

Article 5 — paragraph 5

Text proposed by the Commission

5. Member States shall take the necessary measures to ensure that by 2030 the amount of municipal waste landfilled is reduced to **10 %** of the total amount of municipal waste generated.

Amendment

5. Member States shall take the necessary measures to ensure that by 2030 the annual amount of municipal waste landfilled is reduced to **5 %** of the total amount of municipal waste generated.

Amendment 30**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point c**

Directive 1999/31/EC

Article 5 — paragraph 5 a (new)

*Text proposed by the Commission**Amendment*

5a. By 31 December 2030, Member States shall accept only residual municipal waste in landfills for non-hazardous waste.

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Amendment 31

Proposal for a directive

Article 1 — paragraph 1 — point 2 — point c

Directive 1999/31/EC

Article 5 — paragraph 6 — subparagraph 1

Text proposed by the Commission

Estonia, Greece, Croatia, Latvia, Malta, Romania and Slovakia may obtain five additional years for the attainment of the target referred to in paragraph 5. The Member State shall notify the Commission of its intention to make use of this provision at the latest 24 months before the deadline laid down in paragraph 5. In the event of an extension, the Member State shall take the necessary measures to reduce by 2030 the amount of municipal waste landfilled to 20 % of the total amount of municipal waste generated.

Amendment

A Member State may request a five-year extension to attain the target referred to in paragraph 5, if it has landfilled more than 65 % of its municipal waste in 2013.

The Member State shall submit a request to the Commission to obtain such an extension by 31 December 2028.

Amendment 32

Proposal for a directive

Article 1 — paragraph 1 — point 2 — point c

Directive 1999/31/EC

Article 5 — paragraph 6 — subparagraph 2

Text proposed by the Commission

The **notification** shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the **targets** before the new deadline. The plan shall also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

Amendment

The **request for extension** shall be accompanied by an implementation plan presenting the measures needed to ensure compliance with the **target** before the new deadline. The plan shall **be drafted on the basis of an evaluation of the existing waste management plans and shall** also include a detailed timetable for the implementation of the proposed measures and an assessment of their expected impacts.

In addition, the plan referred to in the third subparagraph shall comply at least with the following requirements:

- (a) *it uses appropriate economic instruments to provide incentives for the application of the waste hierarchy as referred to in Article 4(1) of Directive 2008/98/EC;*
- (b) *it demonstrates an efficient and effective use of Structural and Cohesion Funds through demonstrable long-term investments which aim at financing the development of the waste management infrastructures needed to meet the relevant targets.*

Tuesday 14 March 2017

Text proposed by the Commission

Amendment

- (c) *it provides high quality statistics and generates clear forecasts of waste management capacities and of the distance to the targets specified in paragraph 5 of this Article, Articles 5 and 6 of Directive 94/62/EC and Article 11(2) of Directive 2008/98/EC;*
- (d) *it has set out waste prevention programmes as referred to in Article 29 of Directive 2008/98/EC.*

The Commission shall assess whether the requirements set out in points (a) to (d) of the fourth subparagraph are fulfilled.

Unless the Commission raises objections to the presented plan within five months of the date of receipt, the request for the extension shall be deemed to be accepted.

If the Commission raises objections to the presented plan, it shall require the Member State concerned to submit a revised plan within two months of receipt of those objections.

The Commission shall assess the revised plan within two months of its receipt and accept or reject the request for the extension in writing. In the absence of a decision from the Commission within that deadline, the request for the extension shall be deemed to be accepted.

The Commission shall inform, within two months from the date of the decision, the Council and the European Parliament of its decisions within two months of taking those decisions.

Amendment 33

Proposal for a directive

Article 1 — paragraph 1 — point 2 — point c

Directive 1999/31/EC

Article 5 — paragraph 7

Text proposed by the Commission

Amendment

7. By 31 December **2024** at the latest, the Commission shall examine the **target laid down in paragraph 5 with a view to reducing it and introducing** restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, a report of the Commission accompanied by a proposal, if **appropriate**, shall be sent to the European Parliament and the Council.

7. By 31 December **2018** at the latest, the Commission shall examine the **possibility to introduce a target and** restrictions to the landfilling of non-hazardous waste other than municipal waste. To this end, a report of the Commission accompanied by a **legislative** proposal, if appropriate, shall be sent to the European Parliament and the Council.

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Amendment 34**Proposal for a directive****Article 1 — paragraph 1 — point 2 — point c a (new)**

Directive 1999/31/EC

Article 5 — paragraph 7 a (new)

Text proposed by the Commission

Amendment

(ca) **In Article 5, the following paragraph is added:**

7a. The Commission shall further examine the feasibility of proposing a regulatory framework for enhanced landfill mining so as to permit the retrieval of secondary raw materials that are present in existing landfills. By 31 December 2025 Member States shall map existing landfills and indicate their potential for enhanced landfill mining and share information.

Amendment 35**Proposal for a directive****Article 1 — paragraph 1 — point 3**

Directive 1999/31/EC

Article 5 a — paragraph 2 — introductory sentence

Text proposed by the Commission

Amendment

2. The reports referred to in paragraph 1 shall include the following:

2. The reports referred to in paragraph 1 shall **be made publicly available and shall** include the following:

Amendment 36**Proposal for a directive****Article 1 — paragraph 1 — point 3**

Directive 1999/31/EC

Article 5 a — paragraph 2 — point b a (new)

Text proposed by the Commission

Amendment

(ba) examples of best practices that are used throughout the Union and that can provide guidance for progressing towards achieving the targets laid down in Article 5.'

Tuesday 14 March 2017

Amendment 37**Proposal for a directive****Article 1 — paragraph 1 — point 3 a (new)**

Directive 1999/31/EC

Article 5 b (new)

*Text proposed by the Commission**Amendment***(3a) the following Article 5b is added:****Article 5b*****Exchange of best practices and information***

The Commission shall establish a platform for a regular and structured exchange of best practices and information between the Commission and the Member States on the practical implementation of the requirements of this Directive. That exchange will contribute to ensure adequate governance, enforcement, cross-border cooperation, the exchange of best practices such as innovation deals and peer review. Furthermore, the platform shall incentivise frontrunners and enable leapfrogging. The Commission shall make the results of the platform available to the public.

Amendment 38**Proposal for a directive****Article 1 — paragraph 1 — point 3 b (new)**

Directive 1999/31/EC

Article 6 — point a

*Present text**Amendment***(3b) In Article 6, point a is amended as follows:**

‘(a) only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of this Directive, as set out in Article 1, by reducing the quantity of the waste or the hazards to human health or the environment;’

‘(a) only waste that has been subject to treatment is landfilled. This provision may not apply to inert waste for which treatment is not technically feasible, nor to any other waste for which such treatment does not contribute to the objectives of this Directive, as set out in Article 1, by reducing the quantity of the waste or the hazards to human health or the environment, **provided that the reduction targets of Article 5(2) of this Directive and the recycling targets of Article 11 of Directive 2008/98/EC are met by the respective Member State;**’

Tuesday 14 March 2017

Amendment 39**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 1999/31/EC

Article 6 — point a — second subparagraph

Text proposed by the Commission(4) in Article 6(**a**), the following **sentence** is added:

'Member States shall ensure that measures taken in accordance with this point do not compromise the achievement of the objectives of Directive 2008/98/EC, notably on the increase of **preparing for** re-use and recycling as set out in Article 11 of that Directive.'

Amendment(4) in Article 6, **point a**, the following **subparagraph** is added:

'Member States shall ensure that measures taken in accordance with this point do not compromise the achievement of the objectives of Directive 2008/98/EC, notably on the **waste hierarchy and on the** increase of preparing for re-use and recycling as set out in Article 11 of that Directive.'

Amendment 40**Proposal for a directive****Article 1 — paragraph 1 — point 6**

Directive 1999/31/EC

Article 15 — paragraph 1

Text proposed by the Commission

1. Member States shall report the data concerning the implementation of Article 5(2) and (5) for each calendar year to the Commission. They shall report this data electronically within **18** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 5. The first reporting shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].

Amendment

1. Member States shall report the data concerning the implementation of Article 5(2) and (5) for each calendar year to the Commission. They shall report this data electronically within **12** months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission in accordance with paragraph 5. The first reporting **with respect to the target in Article 5(5)** shall cover the data for the period from 1 January [enter year of transposition of this Directive + 1 year] to 31 December [enter year of transposition of this Directive + 1 year].

Tuesday 14 March 2017

Amendment 41**Proposal for a directive****Article 1 — paragraph 1 — point 6 a (new)**

Directive 1999/31/EC

Article 15a (new)

Text proposed by the Commission

Amendment**(6a) the following Article is inserted:****‘Article 15a*****Instruments to promote a shift to a more circular economy***

In order to contribute to the objectives laid down in this Directive, Member States shall make use of adequate economic instruments and shall take other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those indicated in Annex IVa to Directive 2008/98/EC.’

Amendment 42**Proposal for a directive****Article 1 — paragraph 1 — point 6 b (new)**

Directive 1999/31/EC

Article 15 b (new)

Text proposed by the Commission

Amendment**(6b) the following Article is inserted:****‘Article 15b*****Determination of the permeability coefficient for landfills***

The Commission shall develop and approve the method to be used for the determination of the permeability coefficient for landfills, in the field and for the whole extension of the site, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2).’

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Amendment 43**Proposal for a directive****Article 1 — paragraph 1 — point 6 c (new)**

Directive 1999/31/EC

Article 15 c (new)

Text proposed by the Commission

Amendment**6c. the following Article 15 c is inserted:****‘Article 15 c****European standard for sampling of waste**

The Commission shall develop a European standard for sampling of waste by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2). Until those implementing acts have been adopted, the Member States may apply national standards and procedures.’

Amendment 44**Proposal for a directive****Article 1 — paragraph 1 — point 9**

Directive 1999/31/EC

Article 17a — paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 45**Proposal for a directive****Article 1 — paragraph 1 — point 9 a (new)**

Directive 1999/31/EC

Annex I — point 3.5

Text proposed by the Commission

Amendment**(9a) in Annex I, point 3.5 is deleted**

Tuesday 14 March 2017

Amendment 46**Proposal for a directive****Article 1 — paragraph 1 — point 9 b (new)**

Directive 1999/31/EC

Annex II — point 5

Text proposed by the Commission

Amendment

(9b) in Annex II, point 5 is deleted

Tuesday 14 March 2017

P8_TA(2017)0072

Packaging and packaging waste ***I

Amendments adopted by the European Parliament on 14 March 2017 on the proposal for a directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste (COM(2015)0596 — C8-0385/2015 — 2015/0276(COD)) ⁽¹⁾

(Ordinary legislative procedure: first reading)

(2018/C 263/32)

Amendment 1

Proposal for a directive

Recital - 1 (new)

Text proposed by the Commission

Amendment

- (-1) *In view of the Union's dependence on the import of raw materials and the rapid depletion of a significant amount of natural resources over the short term, it is a key challenge to reclaim as many resources as possible within the Union and to enhance the transition towards a circular economy.*

Amendment 2

Proposal for a directive

Recital - 1 a (new)

Text proposed by the Commission

Amendment

- (-1a) *Waste management should be transformed into sustainable material management. The revision of Directive 94/62/EC of European Parliament and Council ^(1a) offers an opportunity to that end.*

- ^(1a) *Directive 94/62/EC of European Parliament and Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).*

⁽¹⁾ The matter was referred back for interinstitutional negotiations to the committee responsible pursuant to Rule 59(4), fourth subparagraph (A8-0029/2017).

Tuesday 14 March 2017

Amendment 3
Proposal for a directive
Recital 1

Text proposed by the Commission

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and rational utilisation of natural resources **and** promoting **a more** circular economy.

Amendment

- (1) Waste management in the Union should be improved, with a view to protecting, preserving and improving the quality of the environment, protecting human health, ensuring prudent and **efficient** utilisation of natural resources, promoting **the principles of the** circular economy, **enhancing the diffusion renewable energy, increasing energy efficiency, reducing the dependence of the Union on imported resources providing new economic opportunities and long-term competitiveness. In order to make the economy truly circular, it is necessary to take additional measures on sustainable production and consumption, focusing on the whole life cycle of products in a way that preserves resources and closes the loop. Using resources more efficiently would also bring substantial net savings for Union businesses, public authorities and consumers while reducing total annual greenhouse gas emissions.**

Amendment 4
Proposal for a directive
Recital 1 a (new)

*Text proposed by the Commission**Amendment*

- (1a) **A political and societal incentive to promote recovery and recycling as a sustainable way to handle natural resources within circular economy should respect the waste management hierarchy laid down in Article 4 of Directive 2008/98/EC of the European Parliament and of the Council ^(1a) and to strictly apply the approach by which prevention takes priority over recycling.**

^(1a) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Tuesday 14 March 2017

Amendment 5
Proposal for a directive
Recital 1 b(new)

Text proposed by the Commission

Amendment

- (1b) *Littering and improper disposal of packaging and packaging waste has negative impacts on both the marine environment and the Union economy and poses unnecessary risks to public health. Many of the most commonly found items on beaches include packaging waste, with long-term impacts on the environment which affect tourism and public enjoyment of these natural areas. Additionally, packaging waste that makes its way into the marine environment subverts the priority order of the waste hierarchy, in particular by avoiding preparation for reuse, recycling and other recovery prior to its improper disposal. In order to reduce the disproportionate contribution of packaging waste to marine litter, a binding target should be established, supported by targeted measures adopted by Member States.*

Amendment 6
Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

- (2) The targets laid down in Directive 94/62/EC **of the European Parliament and of the Council**⁽¹³⁾ for the recovery and recycling of packaging and packaging waste should be amended by increasing the **preparing for reuse and** recycling of packaging waste in order to better reflect the Union's ambition to move towards a circular economy.

- (2) The targets laid down in Directive 94/62/EC for the recovery and recycling of packaging and packaging waste should be amended by increasing the recycling of packaging waste in order to better reflect the Union's ambition to move towards a circular economy.

⁽¹³⁾ Directive 94/62/EC of European Parliament and Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

Tuesday 14 March 2017

Amendment 7
Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

- (2a) *Separate quantitative targets for re-use, that Member States should aim to achieve, should be established to promote re-usable packaging while contributing to the job creation and to savings in resources.*

Amendment 8
Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

Amendment

- (2b) *Increasing the reuse of packaging can reduce the overall cost in the supply chain and reduce the environmental impact of packaging waste. Member States should support the introduction on the market of re-usable packaging which is recyclable at the end of its life.*

Amendment 9
Proposal for a directive
Recital 2 c (new)

Text proposed by the Commission

Amendment

- (2c) *In certain situations, such as food service, single use packaging is required to guarantee food hygiene and the health and safety of consumers. Member States should take account of this when developing prevention measures and should promote greater access to recycling for such packaging.*

Tuesday 14 March 2017

Amendment 10
Proposal for a directive
Recital 3

Text proposed by the Commission

- (3) Furthermore, in order to ensure greater coherence in waste legislation, the definitions in Directive 94/62/EC should be aligned to those of Directive 2008/98/EC **of the European Parliament and of the Council**⁽¹⁴⁾ applicable to waste in general.

⁽¹⁴⁾ **Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).**

Amendment

- (3) Furthermore, in order to ensure greater coherence in waste legislation, **without prejudice to the specificity of packaging and packaging waste**, the definitions in Directive 94/62/EC should be aligned, **where relevant**, to those of Directive 2008/98/EC applicable to waste in general.

Amendment 11
Proposal for a directive
Recital 4

Text proposed by the Commission

- (4) Clear environmental, economic and social benefits would be derived from further increasing the targets laid down in Directive 94/62/EC **for preparation for re-use and** recycling of packaging waste.

Amendment

- (4) Clear environmental, economic and social benefits would be derived from further increasing the targets laid down in Directive 94/62/EC for recycling of packaging waste.

Tuesday 14 March 2017

Amendment 12
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

- (4a) **Waste prevention is the most efficient way to improve resource efficiency, reduce the environmental impact of waste and promote recycling materials of high quality. For those reasons, Member States should adopt a life-cycle approach in order to reduce the environmental impact of products. Member States should take measures to incentivise the take-up of re-usable packaging and to achieve a reduction in consumption of packaging that is not recyclable and of excessive packaging. To that end, Member States should make use of adequate economic instruments and other measures to provide incentives for the application of the waste hierarchy. Member States should be able to use those listed in Annex IVa to Directive 2008/98/EC. Furthermore, waste prevention efforts should not compromise the role of packaging in preserving hygiene or safety for consumers.**

Amendment 13
Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

- (4b) **Member States should put in place adequate incentives for the application of the waste hierarchy, in particular, by means of financial and fiscal incentives aimed at achieving the packaging waste prevention and recycling objectives of this Directive, such as landfill and incineration charges, pay-as-you-throw schemes, extended producer responsibility schemes and incentives for local authorities. Those measures should be part of the packaging waste prevention programmes in all Member States.**

Tuesday 14 March 2017

Amendment 14
Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

- (4c) *In the vast majority of cases, the provision of packaging does not depend on and is not chosen by the final consumer but rather by the producer. Extended producer responsibility schemes are a suitable means of both preventing the formation of packaging waste and creating systems that will guarantee the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream, and the reuse or recovery, including recycling of the packaging and/or packaging waste, that is collected.*

Amendment 15
Proposal for a directive
Recital 4 d (new)

Text proposed by the Commission

Amendment

- (4d) *In order to boost the prevention of packaging waste and reduce its impact on the environment while promoting recycling materials of high quality, the essential requirements of and Annex II to this Directive should be reviewed, and if necessary revised, to strengthen the requirements that will enhance the design for re-use and high quality recycling of packaging.*

Amendment 16
Proposal for a directive
Recital 4 e (new)

Text proposed by the Commission

Amendment

- (4e) *Member States' national strategies should include the raising of public awareness, in the form of the various incentives and benefits deriving from products made from recycled waste, which will encourage investment in the recycled products sector.*

Tuesday 14 March 2017

Amendment 17
Proposal for a directive
Recital 4 f (new)

Text proposed by the Commission

Amendment

- (4 f) *Fostering a sustainable bio-economy can contribute to decreasing Europe's dependence on imported raw materials. Improving market conditions for bio-based recyclable packaging and compostable biodegradable packaging and reviewing existing law hampering the use of those materials offers the opportunity to stimulate further research and innovation and to substitute fossil fuel-based feedstocks with renewable sources for the production of packaging, where beneficial from a lifecycle perspective, and support further organic recycling.*

Amendment 18
Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

- (5) Through a progressive increase of the existing targets on **preparing for re-use and** recycling of packaging waste, it should be ensured that economically valuable waste materials are progressively and effectively recovered through proper waste management and in line with the waste hierarchy. That way it should be ensured that valuable materials found in waste are returned into the European economy, thus making progress in the implementation of the Raw Materials Initiative⁽¹⁵⁾ and the creation of a circular economy.

⁽¹⁵⁾ COM(2013)0442.

- (5) Through a progressive increase of the existing targets on recycling of packaging waste, it should be ensured that economically valuable waste materials are progressively and effectively recovered through proper waste management and in line with the waste hierarchy. That way it should be ensured that valuable materials found in waste are returned into the European economy, thus making progress in the implementation of the Raw Materials Initiative⁽¹⁵⁾ and the creation of a circular economy **without prejudice to food safety, consumer health and food contact materials law.**

⁽¹⁵⁾ COM(2013)0442.

Tuesday 14 March 2017

Amendment 89
Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

- (5 a) *The circular economy should implement explicit provisions of the 7th Environment Action Programme, which calls for the development of non-toxic material cycles so that recycled waste can be used as a major and reliable source of raw material for the Union.*

Amendment 20
Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

Amendment

- (5b) *Once recycled material re-enters the economy due to it receiving end-of- waste status, either by complying with specific end of waste criteria or being incorporated in a new product, it is required to be fully compliant with Union chemicals law.*

Amendment 21
Proposal for a directive
Recital 5 c (new)

Text proposed by the Commission

Amendment

- (5c) *There are substantial differences between household packaging waste and commercial and industrial packaging waste. In order to obtain a clear and accurate insight into both streams, Member States should report on them separately.*

Tuesday 14 March 2017

Amendment 22
Proposal for a directive
Recital 6

Text proposed by the Commission

- (6) Many Member States have not yet completely developed the necessary waste management infrastructure. It is therefore essential to set clear policy objectives in order to avoid locking recyclable materials at the bottom of the waste hierarchy.

Amendment

- (6) Many Member States have not yet completely developed the necessary waste management infrastructure **for recycling**. It is therefore essential to set clear policy objectives **for the construction of waste treatment facilities and installations needed for prevention, reuse and recycling**, in order to avoid locking recyclable materials at the bottom of the waste hierarchy **and to set incentives for investments into an innovative waste management infrastructure for recycling**.

Amendment 23
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

- (6a) ***In order to help achieve the targets of this Directive and to boost the transition to a circular economy, the Commission should promote the coordination and exchange of information and best practices among Member States and different sectors of the economy. That exchange could be facilitated through communication platforms that could help raise awareness of new industrial solutions and allow for a better overview of available capacities which would contribute to connecting the waste industry and other sectors and support industrial symbiosis.***

Amendment 24
Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

- (7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC, the Union targets for energy recovery **and the recycling targets** for packaging waste laid down in Directive 94/62/EC are no longer necessary.

- (7) With the combination of recycling targets and landfill restrictions laid down in Directives 2008/98/EC and 1999/31/EC **of the Council**^(1a), the Union targets for energy recovery for packaging waste laid down in Directive 94/62/EC are no longer necessary.

^(1a) ***Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).***

Tuesday 14 March 2017

Amendment 25
Proposal for a directive
Recital 8

Text proposed by the Commission

- (8) This Directive sets long-term objectives for the Union's waste management and gives the economic operators and the Member States a clear direction for the necessary investments to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure, Member States should make a sound use of the European Structural and Investment Funds in line with the waste hierarchy **by** promoting prevention, **re-use and** recycling.

Amendment

- (8) This Directive sets long-term objectives for the Union's waste management and gives the economic operators and the Member States a clear direction for the necessary investments to attain the objectives of this Directive. In developing their national waste management strategies and planning investments in waste management infrastructure **and the circular economy**, Member States should make a sound use of the European Structural and Investment Funds in line with the waste hierarchy **and devise those strategies and investment plans so that they are geared primarily to** promoting waste prevention **and re-use, followed by** recycling, **in line with the waste hierarchy**.

Amendment 26
Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

- (9a) **The rules on the further raising of recycling targets from 2030 onwards should be reviewed in the light of the experience gained in applying this Directive.**

Amendment 28
Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

- (11) **Member States should, for the purposes of calculating whether the preparation for re-use and** recycling targets are achieved, **be able to take into account products and components that are prepared for re-use by recognised preparation for re-use operators and deposit-refund schemes. To ensure harmonised conditions for those calculations, the Commission will adopt detailed rules on the determination of recognised preparation for re-use operators and deposit-refund schemes and on the collection, verification and reporting of data.**

- (11) **In order to ensure a uniform calculation of data on recycling targets the Commission should adopt detailed rules on the determination of recycling operators and on the collection, traceability, verification and reporting of data. After the adoption of this harmonised methodology, Member States should be able, for the purposes of calculating whether the recycling targets are achieved, to take into account the recycling of metals that takes place in conjunction with incineration or co-incineration.**

Tuesday 14 March 2017

Amendment 29
Proposal for a directive
Recital 12

Text proposed by the Commission

- (12) In order to ensure the reliability of the data gathered on **preparation for re-use** it is essential to establish common rules **for** reporting. Similarly, it is important to lay down more precisely the rules according to which Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. **To that effect, as a general rule,** the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. **In order to limit administrative burdens, Member States should be allowed, under strict conditions, to report recycling rates on the basis of the output of sorting facilities.** Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

Amendment

- (12) In order to ensure the reliability of the data gathered on **recycling** it is essential to establish common rules **on the collection, traceability, verification and reporting of data.** Similarly, it is important to lay down more precisely the rules according to which Member States should report what is effectively recycled and can be counted towards the attainment of the recycling targets. **The calculation of the attainment of the targets should be based on one harmonised method that prevents reporting of discarded waste as recycled waste. To that end,** the reporting on the attainment of the recycling targets must be based on the input to the final recycling process. Losses in weight of materials or substances due to physical and/or chemical transformation processes inherent to the final recycling process should not be deducted from the weight of the waste reported as recycled.

Amendment 30
Proposal for a directive
Recital 14

Text proposed by the Commission

- (14) **Statistical data** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **statistics** should be improved by introducing a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report.

Amendment

- (14) **Data and information** reported by Member States are essential for the Commission to assess compliance with waste legislation across the Member States. The quality, reliability and comparability of **data reported** should be improved by introducing **a common methodology for collection and processing of data based on reliable sources and by introducing** a single entry point for all waste data, deleting obsolete reporting requirements, benchmarking national reporting methodologies and introducing a data quality check report.

Tuesday 14 March 2017

Amendment 31
Proposal for a directive
Recital 16

Text proposed by the Commission

- (16) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 94/62/EC, Member States should be required to use **the most recent** methodology developed by the Commission **and** the national statistical offices of the Member States.

Amendment

- (16) Reliable reporting of statistical data concerning waste management is paramount to efficient implementation and to ensuring comparability of data among Member States. Therefore, when preparing the reports on compliance with the targets set out in Directive 94/62/EC, Member States should be required to use **a common** methodology **for data collection and processing** developed by the Commission **in cooperation with the** national statistical offices of the Member States **and the national, regional and local authorities responsible for waste management.**

Amendment 32
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

- (16a) **Member States should submit to the Commission on request and without delay any information necessary for the evaluation of the implementation of this Directive as a whole and its impact on the environment and human health.**

Tuesday 14 March 2017

Amendment 33
Proposal for a directive
Recital 17

Text proposed by the Commission

- (17) In order to supplement **or amend** Directive 94/62/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of **Articles 6a(2), 6a(5), 11(3), 19(2) and 20**. It is of particular importance that the Commission **carries out** appropriate consultations during its preparatory work, including at expert level. **The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.**

Amendment

- (17) In order to supplement Directive 94/62/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of **rules on the calculation of the attainment of the recycling targets, certain exceptions concerning the maximum concentration levels of heavy metals in certain recycled materials, product loops and types of packaging, on the common methodology for data collection and processing and the format for reporting data concerning the attainment of the recycling targets and amendments to the list of illustrative examples on the definition of packaging and any technical difficulties encountered in applying this Directive**. It is of particular importance that the Commission **carry out** appropriate consultations during its preparatory work, including at expert level, **and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.**

Amendment 34
Proposal for a directive
Recital 18

Text proposed by the Commission

- (18) In order to ensure uniform conditions for the implementation of Directive 94/62/EC, implementing powers should be conferred on the Commission **in respect of Articles 12(3d) and 19**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁶⁾.

⁽¹⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

Amendment

- (18) In order to ensure uniform conditions for the implementation of Directive 94/62/EC, implementing powers should be conferred on the Commission **for adapting to scientific and technical progress the identification system concerning the nature of the packaging materials used**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁶⁾.

⁽¹⁶⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

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Amendment 35
Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) **Member States should ensure that high levels of occupational health and safety requirements are put in place for all Union workers, in line with existing Union law, and in accordance with the specific risks faced by workers in some production, recycling and waste sectors.**

Amendment 36
Proposal for a directive
Article 1 — paragraph 1 — point-1 (new)
 Directive 94/62/EC
 Article 1 — paragraph 2

Present text

Amendment

(-1) In Article 1, paragraph 2 is replaced by the following:

‘2. To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste.’

‘2. To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste **in order to contribute to the transition towards a circular economy.**’

Amendment 37
Proposal for a directive
Article 1 — paragraph 1 — point 1 — point b a (new)
 Directive 94/62/EC
 Article 3 — point 2 a (new)

Text proposed by the Commission

Amendment

(ba) the following point is added:

‘2a. “Bio-based packaging” shall mean any packaging derived from materials of biological origin excluding material embedded in geological formations and/or fossilised;’

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Amendment 38**Proposal for a directive****Article 1 — paragraph 1 — point 1 — point c**

Directive 94/62/EC

Article 3 — points 3 to 10

Text proposed by the Commission

(c) points 3 to 10 are deleted;

Amendment(c) points 3 **and 4 and from 6** to 10 are deleted;**Amendment 39****Proposal for a directive****Article 1 — paragraph 1 — point 1 — point d**

Directive 94/62/EC

Article 3 — paragraph 2

Text proposed by the Commission

'In addition, the definitions of "waste", "waste producer", "waste holder", "waste management", "collection", "separate collection", "prevention", "**re-use**", "treatment", "recovery", "**preparing for re-use**", "recycling", "final recycling process" and "disposal" laid down in Article 3 of Directive 2008/98/EC shall apply.'

Amendment

'In addition, the definitions of "waste", "waste producer", "waste holder", "waste management", "collection", "separate collection", "prevention", "**sorting**", "**municipal waste**", "**industrial and commercial waste**", "treatment", "recovery", "recycling", "**organic recycling**", "final recycling process", "**litter**", and "disposal" laid down in Article 3 of Directive 2008/98/EC shall apply.'

Amendment 40**Proposal for a directive****Article 1 — paragraph 1 — point 2**

Directive 94/62/EC

Article 4 — paragraph 1 — subparagraph 2

Text proposed by the Commission

'**Such other** measures **may consist of national programmes, incentives through** extended producer responsibility **schemes to minimise the environmental impact of packaging or similar** actions adopted, **if appropriate**, in consultation with economic operators, and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention. They shall comply with the objectives of this Directive as defined in Article 1(1)';

Amendment

'**Member States shall take** measures **to minimise the environmental impact of packaging and contribute to achieving the waste prevention objectives that are laid down in paragraph - 1 of Article 9 of Directive 2008/98/EC. Such measures shall include** extended producer responsibility **as defined in the third subparagraph in Article 8(1) and incentives for the take-up of re-usable packaging.**

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Text proposed by the Commission

Amendment

Member States shall take measures to achieve a sustained reduction in consumption of packaging that is not recyclable and of excessive packaging. Such measures shall not compromise hygiene or food safety.

In addition, Member States may take other actions adopted in consultation with economic operators **and consumer and environmental organisations** and designed to bring together and take advantage of the many initiatives taken within Member States as regards prevention.

They shall comply with the objectives of this Directive as defined in Article 1(1).

Member States shall make use of adequate economic instruments and other measures to provide incentives for the application of the waste hierarchy. Such instruments and measures may include those listed in Annex IVa to Directive 2008/98/EC.'

Amendment 41

Proposal for a directive

Article 1 — paragraph 1 — point 2 a (new)

Directive 94/62/EC

Article 4 — paragraph 3

Present text

Amendment

3. **The** Commission shall, **as appropriate**, present proposals **for measures** to strengthen and complement the enforcement of **the essential** requirements **and** to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging.

(2a) In Article 4, paragraph 3 is replaced by the following:

'3. By 31 December 2020 the Commission shall present proposals **to update the essential requirements in order** to strengthen and complement the enforcement of **these** requirements **so as** to ensure that new packaging is put on the market only if the producer has taken all necessary measures to minimise its environmental impact without compromising the essential functions of the packaging. **The Commission shall, after consulting all stakeholders, present a legislative proposal for updating requirements, in particular to strengthen the design for re-use and high quality recycling.'**

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Amendment 42**Proposal for a directive****Article 1 — paragraph 1 — point 2 b (new)**

Directive 94/62/EC

Article 4 — paragraph 3 a (new)

Text proposed by the Commission

Amendment**(2b) In Article 4, the following paragraph is inserted:**

‘3a. Member States shall encourage, where environmentally beneficial from a life-cycle perspective, the use of bio-based recyclable packaging and of biodegradable compostable packaging, by taking measures such as those:

- (a) promoting their use through, inter alia, the use of economic instruments;***
- (b) improving market conditions for such products;***
- (c) reviewing existing law hampering the use of those products.’***

Amendment 43**Proposal for a directive****Article 1 — paragraph 1 — point 2 c (new)**

Directive 94/62/EC

Article 5 — title

Present text

Amendment**(2c) In Article 5, the following title is inserted:*****‘Re-Use’***

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Amendment 44**Proposal for a directive****Article 1 — paragraph 1 — point 2 d (new)**

Directive 94/62/EC

Article 5 — paragraph 1

Present text

*Amendment***(2d) In Article 5, paragraph 1 is replaced by the following:**

Member States **may** encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty.

‘1. In line with the waste hierarchy, Member States **shall** encourage reuse systems of packaging, which can be reused in an environmentally sound manner, in conformity with the Treaty, **without compromising food hygiene or the safety of consumers.**’

Amendment 45**Proposal for a directive****Article 1 — paragraph 1 — point 2 e (new)**

Directive 94/62/EC

Article 5 — paragraph 1 a (new)

Text proposed by the Commission

*Amendment***(2e) In Article 5, the following paragraph is inserted:**

‘1a. Member States shall aim to achieve the following targets for re-use of packaging:

- (a) no later than 31 December 2025, a minimum of 5 % by weight of all packaging waste is re-used;**
- (b) no later than 31 December 2030, a minimum of 10 % by weight of all packaging waste is re-used.’**

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Amendment 46**Proposal for a directive****Article 1 — paragraph 1 — point 2 f (new)**

Directive 94/62/EC

Article 5 — paragraph 1 b (new)

Text proposed by the Commission

*Amendment***(2f) In Article 5, the following paragraph is inserted:****‘1b. In order to encourage re-use operations, Member States may take, inter alia, the following measures:**

- the use of deposit return schemes for re-usable packaging products;**
- the setting up of a minimum percentage of re-useable packaging placed on the market every year per packaging stream;**
- the establishment of adequate economic incentives to producers of re-usable packaging.’**

Amendment 47**Proposal for a directive****Article 1 — paragraph 1 — point 2 g (new)**

Directive 94/62/EC

Article 5 — paragraph 1 c (new)

Text proposed by the Commission

*Amendment***(2 g) In Article 5, the following paragraph is inserted:****1c. Packaging and reused packaging which is collected by a deposit-refund scheme may be counted towards the attainment of prevention targets established by national prevention programmes.**

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Amendment 48**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point a**

Directive 94/62/EC

Article 6 — title

Text proposed by the Commission(a) the title is replaced by 'Recovery, **re-use** and recycling';

Amendment

(a) the title is replaced by 'Recovery, and recycling';

Amendment 49**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point a a (new)**

Directive 94/62/EC

Article 6 — paragraph - 1 (new)

Text proposed by the Commission

Amendment(aa) ***In Article 6, the following paragraph - 1 is inserted:******'-1. Member States shall put in place sorting systems for all packaging materials.'*****Amendment 50****Proposal for a directive****Article 1 — paragraph 1 — point 3 — point b**

Directive 94/62/EC

Article 6 — paragraph 1 — point f

Text proposed by the Commission(f) no later than 31 December 2025 a minimum of **65 %** by weight of all packaging waste will be **prepared for reuse and** recycled;

Amendment(f) no later than 31 December 2025 a minimum of **70 %** by weight of all packaging waste **generated** will be recycled;

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Amendment 51**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point b**

Directive 94/62/EC

Article 6 — paragraph 1 — point g

Text proposed by the Commission

(g) no later than 31 December 2025 the following minimum targets by weight for **preparing for reuse and** recycling will be met regarding the following specific materials contained in packaging waste:

(i) **55 %** of plastic;

(ii) **60 %** of wood;

(iii) **75 %** of ferrous metal;

(iv) **75 %** of aluminium;

(v) **75 %** of glass;

(vi) **75 %** of paper and cardboard;

Amendment

(g) no later than 31 December 2025 the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:

(i) **60 %** of plastic;

(ii) **65 %** of wood;

(iii) **80 %** of ferrous metal;

(iv) **80 %** of aluminium;

(v) **80 %** of glass;

(vi) **90 %** of paper and cardboard;

Amendment 52**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point b**

Directive 94/62/EC

Article 6 — paragraph 1 — point h

Text proposed by the Commission

(h) no later than 31 December 2030 a minimum of **75 %** by weight of all packaging waste will be **prepared for reuse and** recycled;

Amendment

(h) no later than 31 December 2030 a minimum of **80 %** by weight of all packaging waste **generated** will be recycled;

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Amendment 53**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point b**

Directive 94/62/EC

Article 6 — paragraph 1 — point i*Text proposed by the Commission*

(i) no later than 31 December 2030 the following minimum targets by weight for **preparing for reuse and** recycling will be met regarding the following specific materials contained in packaging waste:

(i) **75 %** of wood;

(ii) **85 %** of ferrous metal;

(iii) **85 %** of aluminium;

(iv) **85 %** of glass;

(v) **85 % of paper and cardboard.**

Amendment

(i) no later than 31 December 2030 the following minimum targets by weight for recycling will be met regarding the following specific materials contained in packaging waste:

(i) **80 %** of wood;

(ii) **90 %** of ferrous metal;

(iii) **90 %** of aluminium;

(iv) **90 %** of glass;

Amendment 54**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point c**

Directive 94/62/EC

Article 6 — paragraph 3*Text proposed by the Commission*

3. Packaging waste sent to another Member State for the **purposes of preparing for reuse, recycling or recovery** in that other Member State may only be counted towards the attainment of the targets laid down in paragraph 1(f) to (i) by the Member State in which the packaging waste was collected.

Amendment

3. Packaging waste sent to another Member State for the **purpose** of recycling in that other Member State may only be counted towards the attainment of the targets laid down in paragraph 1(f) to (i) by the Member State in which the packaging waste was collected.

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Amendment 55**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point c a (new)**

Directive 94/62/EC

Article 6 — paragraph 4

*Present text**Amendment*(ca) ***In Article 6, paragraph 4 is replaced by the following:***

4. Member States shall, ***where appropriate***, encourage the use of materials obtained from recycled packaging waste for the manufacturing of packaging and other products by:

‘4. Member States shall encourage the use of materials obtained from recycled packaging waste, ***when beneficial from a life-cycle perspective and in line with the waste hierarchy***, for the manufacturing of packaging and other products by:

(a) improving market conditions for such materials;

(a) improving market conditions for such materials;

(b) reviewing existing regulations preventing the use of those materials.

(b) reviewing existing regulations preventing the use of those materials;

(ba) ***making use of adequate economic instruments in order to incentivise the uptake of secondary raw material that may include measures promoting the recycled content of the products and the application of sustainable public procurement criteria;***

(bb) ***promoting materials that, when recycled, do not endanger human health when they are recycled into food contact materials.***

Amendment 56**Proposal for a directive****Article 1 — paragraph 1 — point 3 — point d**

Directive 94/62/EC

Article 6 — paragraphs 5, 8 and 9

*Text proposed by the Commission**Amendment*

(d) paragraphs 5, **8**, and 9 are deleted;

(d) paragraphs 5 and 9 are deleted;

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Amendment 57

Proposal for a directive

Article 1 — paragraph 1 — point 3 — point d a (new)

Directive 94/62/EC

Article 6 — paragraph 8

Present text

Amendment

(da) *Paragraph 8 is replaced by the following:*

8. The Commission shall, as soon as possible and no later than 30 June 2005, present a report to the European Parliament and the Council on the progress of the implementation of this Directive and its impact on the environment, as well as on the functioning of the internal market. The report shall take into account individual circumstances in each Member State. It shall cover the following:

‘8. To that end, the Commission shall, by 31 December 2024, examine the targets laid down in Article 6 and the progress towards achieving them, taking into account the best practices and measures used by Member States to reach those targets.

In its assessment, the Commission shall consider setting:

(a) *an evaluation of the effectiveness, implementation and enforcement of the essential requirements;*

(a) *targets on other packaging waste streams;*

(b) *additional prevention measures to reduce the environmental impact of packaging as far as possible without compromising its essential functions;*

(b) *separate targets for household packaging waste and for commercial and industrial packaging waste.*

(c) *the possible development of a packaging environment indicator to render packaging waste prevention simpler and more effective;*

To that end, the Commission, shall draw up a report, accompanied by a legislative proposal, if appropriate, which shall be sent to the European Parliament and the Council.’

(d) *packaging waste prevention plans;*

(e) *encouragement of reuse and, in particular, comparison of the costs and benefits of reuse and those of recycling;*

(f) *producer responsibility including its financial aspects;*

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Present text

Amendment

- (g) *efforts to reduce further and, if appropriate, ultimately phase out heavy metals and other hazardous substances in packaging by 2010.*

This report shall, as appropriate, be accompanied by proposals for revision of the related provisions of this Directive, unless such proposals have, by that time, been presented.

Amendment 58

Proposal for a directive

Article 1 — paragraph 1 — point 4

Directive 94/62/EC

Article 6a — paragraph 1

Text proposed by the Commission

Amendment

'1. For the purpose of calculating whether the targets laid down in Article 6(1)(f) **to (i)** have been attained,

'1. For the purpose of calculating whether the targets laid down in points (f) to (i) of Article 6(1) have been attained the weight of the packaging waste recycled shall be **calculated** as the weight of the input waste entering the final recycling process **in a given year**.

(a) the weight of the packaging waste recycled shall be **understood** as the weight of the input waste entering the final recycling process;

(b) *the weight of the packaging waste prepared for reuse shall be understood as the weight of packaging waste that has been recovered or collected by a recognised preparation for re-use operator and has undergone all necessary checking, cleaning and repairing operations to enable re-use without further sorting or pre-processing;*

(c) *Member States may include products and components prepared for re-use by recognised preparation for re-use operators or deposit-refund schemes. For the calculation of the adjusted rate of packaging waste prepared for re-use and recycled taking into account the weight of the products and components prepared for re-use, Member States shall use verified data from the operators and apply the formula set out in Annex IV.*

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Amendment 59**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 1a (new)

Text proposed by the Commission

Amendment

1a. By 31 December 2018, the Commission shall request the European standardisation organisations to develop European quality standards for waste materials entering the final recycling process and for the secondary raw materials, in particular for plastics, based on the best available practices.

Amendment 60**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 2

Text proposed by the Commission

Amendment

2. In order to ensure harmonised conditions for the application of paragraph **1(b) and (c) and of Annex IV**, the Commission shall adopt delegated acts in accordance with Article 21a establishing minimum quality and operational requirements for the determination of **recognised preparation for re-use operators and deposit-refund schemes**, including specific rules on data collection, verification and reporting.

2. In order to ensure harmonised conditions for the application of paragraph **1** the Commission shall adopt delegated acts in accordance with Article 21a **in order to supplement this Directive by** establishing minimum quality and operational requirements for the determination of **final recycling operators**, including specific rules on data collection, **traceability and** verification and reporting.

Amendment 61**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall examine the possibilities of and, if appropriate, propose measures for streamlining the reporting of composite packaging with the obligations laid down in this Directive.

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Amendment 62**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 3

Text proposed by the Commission

Amendment

3. *By way of derogation from paragraph 1, the weight of the output of any sorting operation may be reported as the weight of the packaging waste recycled provided that:*

deleted

- (a) *such output waste is sent into a final recycling process;*
- (b) *the weight of materials or substances that are not subject to a final recycling process and that are disposed or subject to energy recovery remains below 10 % of the total weight to be reported as recycled.*

Amendment 63**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure **that conditions** laid down in paragraph 3(a) and (b) are met. The system may consist of either electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC, technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste.

4. ***In accordance with the delegated acts adopted pursuant to paragraph 2,*** Member States shall establish an effective system of quality control and traceability of the packaging waste to ensure ***compliance with the rules*** laid down in paragraph 1. The system may consist of either electronic registries set up pursuant to Article 35(4) of Directive 2008/98/EC, technical specifications for the quality requirements of sorted waste or any equivalent measure to ensure the reliability and accuracy of the data gathered on recycled waste. ***Member States shall inform the Commission about the system chosen for quality control and traceability.***

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Amendment 64**Proposal for a directive****Article 1 — paragraph 1 — point 4**

Directive 94/62/EC

Article 6a — paragraph 5

Text proposed by the Commission

5. For the purposes of calculating whether the targets laid down in Article 6(1)(f) **to (i)** have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration in proportion to the share of the packaging waste incinerated provided that the recycled metals meet certain quality requirements. Member States shall use the common methodology established in accordance with Article 11a(6) of Directive 2008/98/EC.

Amendment

5. For the purposes of calculating whether the targets laid down in points (f) to (i) of Article 6(1) have been achieved Member States may take into account the recycling of metals that takes place in conjunction with incineration **or co-incineration only if waste has been sorted prior to incineration or if the obligation to set up separate collection for paper, metal, plastic, glass and bio-waste has been complied with** in proportion to the share of the packaging waste incinerated **or co-incinerated** provided that the recycled metals meet certain quality requirements. Member States shall use the common methodology established in accordance with Article 11a(6) of Directive 2008/98/EC.

Amendment 65**Proposal for a directive****Article 1 — paragraph 1 — point 5**

Directive 94/62/EC

Article 6b — paragraph 1 — point b a (new)

Text proposed by the Commission

Amendment

(ba) **examples of best practices which are used throughout the Union and which can provide guidance on progress towards achieving the targets.**

Amendment 66**Proposal for a directive****Article 1 — paragraph 1 — point 5**

Directive 94/62/EC

Article 6b — paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. **Where necessary, the reports referred to in paragraph 1 shall address the implementation of requirements of this Directive other than those referred to in paragraph 1, including the forecasting of the achievement of the targets contained in the waste prevention programmes and the percentage and the per capita quantity of municipal waste that is disposed of or subject to energy recovery.**

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Amendment 67**Proposal for a directive****Article 1 — paragraph 1 — point 5 a (new)**

Directive 94/62/EC

Article 7 — paragraph 1

*Present text**Amendment***(5a) Article 7 (1) is replaced by the following:**

‘1. Member States shall take the necessary measures to ensure that systems are set up to provide for:

(a) the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;

(b) the reuse or recovery including recycling of the packaging and/or packaging waste collected,

in order to meet the objectives laid down in this Directive.

These systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.’

‘1. Member States, ***in order to meet the objectives laid down in this Directive,*** shall take the necessary measures to ensure that systems are set up to provide for, ***and incentivise:***

(a) the return and/or collection of used packaging and/or packaging waste from the consumer, other final user, or from the waste stream in order to channel it to the most appropriate waste management alternatives;

(b) the reuse or recovery including recycling of the packaging and/or packaging waste collected.

These systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty.’

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Amendment 68**Proposal for a directive****Article 1 — paragraph 1 — point 5 b (new)**

Directive 94/62/EC

Article 7 a (new)

Text proposed by the Commission

Amendment

(5b) The following Article is inserted:**‘Article 7a****Specific measures for return and collection systems****Member States shall take the necessary measures to put in place:**

- (a) **the separate collection of at least packaging or packaging waste made up of paper, metal, plastic or glass;**
- (b) **composite packaging as defined under Commission Decision 2005/270/EC shall be collected in existing collection schemes meeting the quality standards required for final recycling.’**

Amendment 69**Proposal for a directive****Article 1 — paragraph 1 — point 5 c (new)**

Directive 94/62/EC

Article 8 — paragraph 2

Present text

Amendment

(5c) In Article 8, paragraph 2 is replaced by the following:

‘2. To facilitate collection, reuse and recovery including recycling, packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC ⁽¹⁾.

⁽¹⁾ OJ L 50, 20.2.1997, p. 28.’

‘2. To facilitate collection, reuse and recovery including recycling, **packaging shall contain information useful for that purpose. In particular,** packaging shall indicate for the purposes of its identification and classification by the industry concerned the nature of the packaging material(s) used on the basis of Commission Decision 97/129/EC ⁽¹⁾.

⁽¹⁾ OJ L 50, 20.2.1997, p. 28.’

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Amendment 70**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point d**

Directive 94/62/EC

Article 12 — paragraph 3a

Text proposed by the Commission

'3a. Member States shall report the data concerning the attainment of the targets laid down in Article 6(1)(a) to (i) for each calendar year to the Commission. They shall report **this data** electronically within **18** months of the end of the reporting year for which the data are collected.

Amendment

'3a. Member States shall report the data concerning the attainment of the targets laid down in **points (a) to (i) of Article 6(1)** for each calendar year to the Commission. They shall **collect and process the data in accordance with the common methodology referred to in paragraph 3d and** report it electronically within **12** months of the end of the reporting year for which the data are collected.

Amendment 71**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point d**

Directive 94/62/EC

Article 12 — paragraph 3a — subparagraph 2

Text proposed by the Commission

The data shall be reported in the format established by the Commission in accordance with paragraph 3d. The first reporting shall cover data for the period from 1 January [enter year of entry into force of this Directive + 1 year] to 31 December [enter year of entry into force of this Directive + 1 year].

Amendment

The data shall be **collected and processed, using the common methodology referred to in paragraph 3d, and** reported in the format established by the Commission in accordance with paragraph 3d. The first reporting **with respect to the targets laid down in points (f) to (i) in Article 6** shall cover data for the period from 1 January [enter year of entry into force of this Directive + 1 year] to 31 December [enter year of entry into force of this Directive + 1 year].

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Amendment 72**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point d**

Directive 94/62/EC

Article 12 — paragraph 3c

Text proposed by the Commission

3c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. The report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up every three years.

Amendment

3c. The Commission shall review the data reported in accordance with this Article and publish a report on the results of its review. ***Until the common methodology for data collection and processing referred to in paragraph 3d has been established,*** the report shall cover an assessment of the organisation of the data collection, the sources of data and the methodology used in Member States. ***The Commission shall also assess*** completeness, reliability, timeliness and consistency of the data and the information submitted. The assessment may include specific recommendations for improvement. The report shall be drawn up ***nine months after the first reporting of the data by the Member States and*** every three years ***thereafter.***

Amendment 73**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point d**

Directive 94/62/EC

Article 12 — paragraph 3c a (new)

*Text proposed by the Commission**Amendment*

3ca. In the report, the Commission shall include information on the implementation of the Directive as a whole and evaluate its impact on human health, the environment and the internal market. If appropriate, a proposal to revise this Directive may accompany the report.

Amendment 74**Proposal for a directive****Article 1 — paragraph 1 — point 7 — point d**

Directive 94/62/EC

Article 12 — paragraph 3d

Text proposed by the Commission

3d. The Commission shall adopt ***implementing*** acts laying down the format for reporting data in accordance with paragraph 3a. ***Those implementing acts shall be adopted in accordance with the procedure referred to in Article 21(2).;***

Amendment

3d. The Commission shall adopt ***delegated*** acts ***in accordance with Article 38a in order to supplement this Directive by*** laying down ***the common methodology for data collection and processing*** and the format for reporting data in accordance with paragraph 3a. ';

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Amendment 75**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 94/62/EC

Article 21a — paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 6a (2), Article 11(3), Article 19(2) and Article 20 shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

Amendment

2. The power to adopt delegated acts referred to in Article 6a (2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 shall be conferred on the Commission for an indeterminate period of time from [enter date of entry into force of this Directive].

Amendment 76**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 94/62/EC

Article 21a — paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 6a(2), Article 11(3), Article 19(2) and Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 6a(2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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Amendment 77**Proposal for a directive****Article 1 — paragraph 1 — point 12**

Directive 94/62/EC

Article 21a — paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 6a(2), Article 11(3), Article 19(2) and Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

Amendment

5. A delegated act adopted pursuant to Article 6a(2), Article 11(3), **Article 12(3d)**, Article 19(2) and Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’

Amendment 78**Proposal for a directive****Article 1 — paragraph 1 — point 12 a (new)**

Directive 94/62/EC

Annex II

*Text proposed by the Commission**Amendment*

(12a) Annex II to Directive 94/62/EC on packaging and packaging waste is replaced as set out in the Annex to this Directive.

Amendment 79**Proposal for a directive****Article 1 — paragraph 1 — point 14**

Directive 94/62/EC

Annex IV

Text proposed by the Commission

(14) Annex IV is added to Directive 94/62/EC on packaging and packaging waste as set out in the Annex to this Directive.

*Amendment***deleted**

Tuesday 14 March 2017

Amendment 80**Proposal for a directive****Annex — paragraph — 1 (new)**

Directive 94/62/EC

Annex II — point 1 — indent 1

*Present text**Amendment*

(-1) In Annex II, point 1, the first indent is amended as follows:

— Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.

‘— Packaging shall be designed, produced and commercialized in such a way as to permit its reuse or recovery, including recycling, **in line with the waste hierarchy**, and to minimize its impact on the environment when packaging waste or residues from packaging waste management operations are disposed of.’

Amendment 81**Proposal for a directive****Annex — paragraph - 1 a (new)**

Directive 94/62/EC

Annex II — point 1— indent 1 a (new)

*Text proposed by the Commission**Amendment*

(-1a) In Annex II, point 1, the following indent 1a is inserted:

‘— **Packaging shall be produced in such a way as to minimise its carbon footprint, including by using biodegradable and sustainable bio-based materials.**’

Amendment 82**Proposal for a directive****Annex — paragraph - 1 b (new)**

Directive 94/62/EC

Annex II — point 3 — point c

*Present text**Amendment*

(-1b) In Annex II, point 3, point c is replaced by the following:

(c) Packaging recoverable in the form of composting

‘(c) Packaging recoverable in the form of composting

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Present text

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it **should** not hinder the separate collection and the composting process or activity into which it is introduced.

Amendment

Packaging waste processed for the purpose of composting shall be of such a biodegradable nature that it **does** not hinder the separate collection and the composting process or activity into which it is introduced.'

Amendment 83**Proposal for a directive****Annex — paragraph - 1 c (new)**

Directive 94/62/EC

Annex II — point 3 — point d

Present text

(d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.

Amendment

(-1c) In Annex II, point 3, point d is amended as follows:

'(d) Biodegradable packaging

Biodegradable packaging waste shall be of such a nature that it is capable of undergoing physical, chemical, thermal or biological decomposition such that most of the finished compost ultimately decomposes into carbon dioxide, biomass and water.
Oxo-degradable plastic packaging shall not be considered as biodegradable.'

Amendment 84**Proposal for a directive****Annex — paragraph 2**

Directive 94/62/EC

Annex IV

Text proposed by the Commission

The following Annex IV is added:

'ANNEX IV

Calculation method for preparing for re-use of products and components for the purpose of Article 6(1)(f) to (i)

In order to calculate the adjusted rate of recycling and preparation for re-use in accordance with Article 6(1)(f) to (i), Member States shall use the following formula:

Amendment

deleted

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Text proposed by the Commission

Amendment

“E=” “(A+R)*100” /“(P+R)”

E: adjusted recycling and re-use rate in a given year;

A: weight of packaging waste recycled or prepared for re-use in a given year;

R: weight of products and components prepared for re-use in a given year;

P: weight of packaging waste generated in a given year.’

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P8_TA(2017)0078

EU-Brazil Agreement: modification of concessions in the schedule of Croatia in the course of its accession ***

European Parliament legislative resolution of 15 March 2017 on the draft Council decision on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (13037/2016 — C8-0490/2016 — 2016/0307(NLE))

(Consent)

(2018/C 263/33)

The European Parliament,

- having regard to the draft Council decision (13037/2016),
 - having regard to the draft Agreement in the form of an Exchange of Letters between the European Union and the Federative Republic of Brazil pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedule of the Republic of Croatia in the course of its accession to the European Union (13038/2016),
 - having regard to the request for consent submitted by the Council in accordance with the first subparagraph of Article 207(4) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0490/2016),
 - having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on International Trade (A8-0052/2017),
1. Gives its consent to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Federative Republic of Brazil.
-

Wednesday 15 March 2017

P8_TA(2017)0079

Launch of automated data exchange with regard to vehicle registration data in Denmark *

European Parliament legislative resolution of 15 March 2017 on the draft Council implementing decision on the launch of automated data exchange with regard to vehicle registration data in Denmark (12212/2016 — C8-0476/2016 — 2016/0815(CNS))

(Consultation)

(2018/C 263/34)

The European Parliament,

- having regard to the Council draft (12212/2016),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0476/2016),
 - having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, and in particular Article 33 thereof,
 - having regard to its resolution of 10 October 2013 on strengthening cross-border law-enforcement cooperation in the EU: the implementation of the 'Prüm Decision' and the European Information Exchange Model ⁽²⁾,
 - having regard to its resolution of 9 July 2015 on the European Agenda on Security ⁽³⁾,
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0051/2017),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

⁽²⁾ Texts adopted, P7_TA(2013)0419.

⁽³⁾ Texts adopted, P8_TA(2015)0269.

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P8_TA(2017)0080

Launch of automated data exchange with regard to DNA data in Greece *

European Parliament legislative resolution of 15 March 2017 on the draft Council implementing decision on the launch of automated data exchange with regard to DNA data in Greece (12211/2016 — C8-0477/2016 — 2016/0816(CNS))

(Consultation)

(2018/C 263/35)

The European Parliament,

- having regard to the Council draft (12211/2016),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0477/2016),
 - having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽¹⁾, and in particular Article 33 thereof,
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0053/2017),
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

⁽¹⁾ OJ L 210, 6.8.2008, p. 1.

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P8_TA(2017)0081

Food and feed law, rules on animal health and welfare, plant health and plant protection products *II**

European Parliament legislative resolution of 15 March 2017 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 official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (10755/1/2016 — C8-0015/2017 — 2013/0140(COD))

(Ordinary legislative procedure: second reading)

(2018/C 263/36)

The European Parliament,

- having regard to the Council position at first reading (10755/1/2016 — C8-0015/2017),
 - having regard to the opinion of the European Economic and Social Committee of 16 October 2013 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 29 November 2013 ⁽²⁾,
 - having regard to its position at first reading ⁽³⁾ on the Commission proposal to Parliament and the Council (COM(2013)0265),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 67a of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Food Safety (A8-0022/2017),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 67, 6.3.2014, p. 166.

⁽²⁾ OJ C 114, 15.4.2014, p. 96.

⁽³⁾ Texts adopted: P7_TA(2014)0380.

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P8_TA(2017)0082

Use of the 470-790 MHz frequency band in the Union *I**

European Parliament legislative resolution of 15 March 2017 on the proposal for a decision of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union (COM(2016)0043 — C8-0020/2016 — 2016/0027(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/37)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0043),
 - 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 (C8-0020/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 26 May 2016 ⁽¹⁾,
 - after consulting the Committee of the Regions,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 January 2017 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 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 Culture and Education (A8-0327/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2016)0027

Position of the European Parliament adopted at first reading on 15 March 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council on the use of the 470-790 MHz frequency band in the Union

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2017/899.)

⁽¹⁾ OJ C 303, 19.8.2016, p. 127.

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P8_TA(2017)0085

Guidelines for the 2018 budget — Section III**European Parliament resolution of 15 March 2017 on general guidelines for the preparation of the 2018 budget, Section III — Commission (2016/2323(BUD))**

(2018/C 263/38)

The European Parliament,

- having regard to Article 314 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 ⁽¹⁾,
- 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 ⁽²⁾ (hereinafter ‘the Interinstitutional Agreement’),
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾,
- having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ⁽⁴⁾,
- having regard to the general budget of the European Union for the financial year 2017 ⁽⁵⁾ and the joint statements agreed between Parliament, the Council and the Commission annexed thereto ⁽⁶⁾,
- having regard to the Council conclusions of 21 February 2017 on the 2018 budget guidelines (6522/2017),
- having regard to Rule 86a of its Rules of Procedure,
- having regard to the report of the Committee on Budgets (A8-0060/2017),

A. whereas 2018 will mark the fifth year of the 2014-2020 multiannual financial framework (MFF);

B. whereas the internal economic and social context as well as external challenges and political uncertainties are likely to uphold the pressure on the 2018 EU budget;

C. whereas the budgetary reaction to immediate challenges and crises must go hand in hand with sustainable answers that invest in the Union's common future;

A budget for sustainable growth, jobs and security

1. Welcomes the important role played by the EU budget in delivering concrete answers to the challenges the EU is facing; stresses that decent, quality and stable jobs, particularly for young people, economic growth and socio-economic convergence, migration, security and tackling populism, as well as climate change, are the main concerns at EU level and that the EU budget remains part of the solution to these issues; stresses that solidarity must remain an underlying principle of the EU budget; underlines that only a strong and targeted EU budget with genuine European added value will benefit all

⁽¹⁾ OJ L 347, 20.12.2013, p. 884.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

⁽³⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁴⁾ OJ L 168, 7.6.2014, p. 105.

⁽⁵⁾ OJ L 51, 28.2.2017.

⁽⁶⁾ Texts adopted of 1.12.2016, P8_TA(2016)0475.

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Member States and EU citizens alike; expects the Commission to put forward a draft 2018 budget that enables the EU to continue to generate prosperity through growth and jobs and ensures the safety of its citizens;

2. Believes that, while maintaining budget discipline, the EU budget must be equipped with the tools to enable it to respond to multiple crises simultaneously, a certain level of flexibility thus being required; is of the opinion that, while growth and jobs continue to remain the core priorities of the EU budget, obtaining sustainable progress and development in these fields has to be accomplished in parallel to addressing EU citizens' concerns regarding safety and security; reiterates its call for thematic concentration when setting priorities for the 2018 EU budget;

Research, infrastructure and SMEs as key enablers of growth and jobs

3. Underlines that enhancing the competitiveness of the EU economy, infrastructure, well-funded research, support for developing skills and the continued commitment of the EU to strengthening investment are key to ensuring economic growth and job creation; believes that the creation of socially and environmentally sustainable and well-paid jobs must be one of the main priorities of the EU budget; argues that jobs are created mainly by the private sector, and that adequate budgetary support therefore needs to be devoted to boosting investment in both private and public sectors, with special attention to SMEs; consequently underlines the importance of Heading 1a, which delivers real added value for European citizens and businesses, and calls for an appropriate level of funding for this heading to be ensured;

4. Stresses that investment in research and innovation, including support for start-ups, represents a precondition for achieving genuine competitiveness in the EU and for ensuring an innovative and competitive EU economy on a global level; regrets the fact that, as a result of an inadequate EU funding in the field of research and innovation there is an alarmingly low success rate for applications, and that several high-quality projects in the field of research and innovation are being left without EU funding; notes that many interested parties, including SMEs, are being deterred from submitting Horizon 2020 project proposals; calls in this respect for an appropriate level of appropriations to be ensured for Horizon 2020, while continuing with its simplification agenda; underlines that an enhanced budget for Horizon 2020 should not be at the expense of other research programmes;

5. Recognises the fact that SMEs remain the backbone of the European economy and will continue to play a decisive role in creating jobs and growth across the EU; considers also that SMEs are the main source of job creation and therefore need an appropriate access to finance; calls in this respect for COSME appropriations to be increased, taking into account the success of this programme; stresses the importance of strengthening the COSME programme in the new MFF in order to provide SMEs with more substantial support from the EU; believes that establishing synergies with other financial instruments would lead to better results;

6. Strongly supports the further development and enhancement of interoperability of European infrastructure networks; considers that the financing of the Connecting Europe Facility (CEF) is vital to achieving these objectives, and calls on the Commission to ensure an appropriate level of funding in 2018;

7. Underlines the important role and potential of the European Fund for Strategic Investments (EFSI) in reducing the investment gap which still exists in Europe, and recognises the positive results achieved so far; welcomes also the Commission proposal for extending the EFSI until 2020, which should aim to further improve its functioning, including application of the additionality principle and of geographical balance, for which further efforts are needed; underlines that the selection of projects financed through EFSI should be based on quality and demand-driven; welcomes the Commission's intention to reinforce the role of the European Investment Advisory Hub in terms of providing more targeted local technical assistance across the EU and also to enhance geographical balance; also calls on the Commission to regularly analyse the added value of EFSI through impact assessment of the effects of the fund;

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Education and youth employment — prerequisites for the success of the younger generation

8. Considers education to be a prerequisite for sustainable, well-paid and stable jobs; underlines the importance of mobility as a means of enabling young Europeans to take advantage of people's variety of skills while expanding opportunities for education, training and employment; welcomes in this respect the role played by Erasmus+ in facilitating the intra-European mobility of young students, apprentices and volunteers; believes that, especially in times of rising nationalism and populism, it is important to facilitate natural interaction between different European nations and cultures in order to enhance European consciousness and identity; calls, in this context, for the funding for the Erasmus+ programme to be further increased in 2018;

9. Underlines that youth unemployment is one of the main concerns at European level, having a particularly high social impact, especially in the Union's poorest regions, and that it puts at risk an entire generation of young Europeans, undermining long-term economic growth; stresses that, as part of the conciliation agreement for the 2017 EU budget, an allocation of EUR 500 million will be granted to the Youth Employment Initiative (YEI), through an amending budget in 2017; considers YEI to be a fundamental contribution to the Union's priority objective of jobs and growth, and remains firmly committed to securing adequate funding for fighting youth unemployment and continuing YEI up to the end of the current MFF, while at the same time improving its functioning and implementation; stresses in this respect the importance of the EU Youth Strategy;

10. Takes positive note of the proposal to launch an '18th Birthday Interrail Pass for Europe'; underlines that this project has the potential to boost European consciousness and identity; stresses, however, that the project should not be financed at the expense of other successful EU programmes, notably in the field of youth and culture, and should be as socially inclusive as possible and contain provisions for including residents of Europe's peripheral islands; asks the Commission to assess the potential cost and funding sources of this initiative and put forward relevant proposals;

Traditional EU budget priorities as investment policies

11. Strongly supports regional policy as one of the main investment instruments of the EU budget ensuring economic, social and territorial cohesion; underlines that this policy generates growth and jobs in all Member States; is concerned, however, at the unacceptable delays in implementation of operational programmes at EU level under the current MFF, which have led so far to lower investment that has failed to contribute sufficiently to growth and job creation or to reducing economic, social and territorial disparities within and between European regions; calls on the Commission to identify the causes of the delays and on the Member States to cooperate in order to tackle them, in particular so as to ensure that the designation of managing, auditing and certifying authorities is concluded and implementation is sharply accelerated;

12. Recognises the importance of the European agricultural sector in maintaining food security and managing biodiversity in the EU; expresses its full support for the farmers affected by the Russian embargo, avian flu, the dairy sector crisis and the meat crisis; calls on the Commission, therefore, to continue to support farmers across Europe in coping with unexpected market volatility and in securing safe and quality food supplies; requests that suitable attention be paid to small-scale farming and fisheries;

Internal challenges

13. Is convinced that, under the current circumstances, the EU budget has proven to be insufficient to deal with the effects of the migratory and refugee crisis and corresponding humanitarian challenges or with the challenges in the security area such as increasing international terrorism; underlines that, on this basis, a sustainable solution must be found to this issue, as it has been demonstrated by the repeated mobilisation of special instruments such as the flexibility instrument that the EU budget was not initially designed to address crises of such magnitude; points out that a coherent strategy for tackling the migratory and refugee crisis, including clear, measurable and comprehensible objectives, has to be adopted; recalls, however, that the need to mobilise supplementary means to face these challenges should not take precedence over other important Union policies, for example in the field of jobs and growth;

14. Welcomes the role played by instruments such as the Internal Security Fund (ISF) and the Asylum, Migration and Integration Fund (AMIF) in addressing the effects of the migratory and refugee crisis and corresponding humanitarian challenges, and calls for adequate budgeting in the coming years for these funds; reiterates the importance of the principle

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of burden-sharing among Member States in financing the efforts needed to adequately provide for refugees; welcomes also the role of the EU agencies in the area of justice and home affairs, such as Europol, the European Border and Coast Guard, EASO, Eurojust, the Agency for Fundamental Rights and eu-LISA, and calls, in this context, for their mandate to be executed on the basis of enhanced budgeting and staffing; is convinced that the EU needs to invest more in the strengthening and the management of its borders, enhancing cooperation between law enforcement agencies and national authorities and fighting terrorism, radicalisation and serious and organised crime by improving integration measures and practices, ensuring the interoperability of information systems, and guaranteeing sound return operations for those not entitled to international protection while fully respecting the principle of non-refoulement;

15. Underlines that the current budget of the ISF (approximately EUR 700 million in commitments) is not sufficient for tackling the security challenges stemming from international terrorism; calls, therefore, for reinforced financial resources for bringing the security infrastructure up to a more adequate and modern level;

16. Recalls the importance of European agencies in ensuring the implementation of the European legislative priorities and thereby accomplishing EU policy objectives, such as those related to competitiveness, growth, employment and to managing the current migration and refugee crisis; insists, therefore, that adequate financial and human resources be provided for both administrative and operational expenditure in order to allow the agencies to fulfil their assigned tasks and deliver the best possible results; with regard to the increases in staffing and appropriations for agencies since the 2014 budget, underlines the fact that these are regarded as part of new policy developments and legislation which do not enter in the calculation of the 5 % staff reduction target; stresses, therefore, that the 2018 budget should not foresee any further reductions in the European agencies' establishment plans beyond the 5 % agreed on for each institution and body of the European Union in the framework of the Interinstitutional Agreement;

17. Strongly supports initiatives in the field of defence research aimed at encouraging better cooperation between Member States and achieving synergy effects in the area of defence; stresses, however, that this activity should be endowed with fresh resources, as it is a new political initiative with a significant impact on the EU budget; calls, moreover, for the exploration of all possibilities for the financing of a defence research programme with a dedicated budget within the next MFF; recalls that, while the provisions enshrined in the Treaties must be respected, strengthened cooperation in the field of defence is a necessary option in order to meet the security challenges that the EU is facing, which are generated by prolonged instability in the Union's neighbourhood and uncertainty regarding the commitment of certain of the EU's partners to the objectives of NATO; underlines, furthermore, the need for improved competitiveness and innovation in the European defence industry that can contribute to stimulating growth and job creation; calls on the Member States to ensure adequate budgeting in order to tackle external challenges in a more congruent way; takes note of the establishment of the European Defence Fund, with its research and capability windows;

18. Underlines that the EU budget must support the fulfilment of the objectives of the Paris Agreement and the EU's own long-term climate goals by achieving the 20 % climate spending target in the 2014-2020 MFF; notes with concern that the EU's 2020 biodiversity targets will not be met without substantial additional efforts; stresses, therefore, the importance of mainstreaming biodiversity protection across the EU budget, with particular focus on the LIFE programme and the Natura 2000 network;

External challenges

19. Stresses that the EU budget is also an instrument of external solidarity, providing urgent assistance in humanitarian and civilian crises by offering support to countries in need; recalls that the challenges of poverty eradication and sustainable development have been confirmed as a key priority for the EU and its Member States; reiterates, in this context, the EU commitment to contributing to the achievement of the Sustainable Development Goals (SDGs) and to achieving the 0,7% ODA/GNI target within the time frame of the post-2015 agenda; highlights that, in the long-term, development aid yields a return on investment in the form of increased trade and GDP growth in Europe;

20. Reaffirms its conviction that in order to tackle the root causes of the current migratory and refugee crisis and the corresponding humanitarian challenges, the EU needs to step up its role through investment in the countries of origin of the migratory flows; calls on the Commission in this regard to design a roadmap to tackle the migratory crisis in an effective way; stresses that greater strategic adjustment of all instruments of development policy is needed to ensure steady

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economic and social development while not undermining the implementation of the existing external policies; notes that investment in infrastructure, housing, education and medical services and support for SMEs, with a particular focus on job creation, social protection and inclusion, are part of the solution for tackling the root causes of migration; welcomes, therefore, as part of the solution to these challenges, the External Investment Plan (EIP), as a coherent and coordinated framework for promoting investment in Africa and in the Neighbourhood countries, keeping in mind that it needs to be fully aligned with and contribute to the achievement of the Sustainable Development Goals; expects that the EIP will promote sustainable development without compromising human rights, climate change mitigation or good governance, and that transparent management of the European Fund for Sustainable Development and its projects will be ensured;

21. Notes that the current trend on the Commission's part to resort to satellite budgetary mechanisms such as the Facility for Refugees in Turkey, trust funds and other similar instruments has not proved a success in all cases; is concerned that the establishment of financial instruments outside the Union budget undermines the transparent management of the budget and hampers the right of Parliament to exercise effective scrutiny of expenditure; maintains, therefore, its position that the ad hoc external financial instruments which have emerged in recent years must be incorporated into the EU budget, with Parliament having full scrutiny over the implementation of these instruments; stresses, however, that these instruments should not be financed at the expense of other existing external instruments; takes note of the divergence between Member States' promises and their actual contribution to these funds, and urges the Member States to stand by their promises to match the contributions of the EU;

22. Underlines that one of the conditions for preserving stability and prosperity in the EU is a stable EU neighbourhood; calls on the Commission, therefore, to ensure that priority is given to investment in the EU Neighbourhood in order to support efforts to tackle the main issues that this area is facing, namely the migratory and refugee crisis and corresponding humanitarian challenges in the Southern Neighbourhood, and Russian aggression in the Eastern Neighbourhood; reiterates that supporting countries which are implementing association agreements with the EU is pivotal to facilitating political and economic reforms, but stresses that such support should apply as long as those countries meet the eligibility criteria, especially as regards the rule of law and enforcing democratic institutions;

Sufficient payment appropriations resulting in increased credibility for the EU

23. Reiterates its previous calls for providing the EU budget with an adequate level of payment appropriations in order to allow it to fulfil its main purpose as an investment budget; is convinced that this role cannot be fulfilled if the EU fails to deliver on its commitments and thus endangers its credibility;

24. Stresses that delays in the implementation of the 2014-2020 programmes under shared management led to a drop in payment claims for 2016 and 2017; is particularly concerned at the possible reconstitution of a backlog of unpaid bills towards the end of the current MFF period, and recalls the unprecedented level of EUR 24,7 billion reached at the end of 2014; welcomes the fact that the Commission, on the occasion of the MFF mid-term revision, provided for the first time a payment forecast until 2020, but stresses that this needs to be duly updated every year, in order to allow the budgetary authority to take the necessary measures in time;

25. Underlines that, despite a final agreement on the MFF mid-term revision not yet having been reached, several positive elements of the revision that are currently under negotiation — notably in terms of increased flexibility — might prove to be instrumental in preventing and responding to a future payment crisis; believes that if the implementation of cohesion policy were to accelerate as anticipated the increased flexibility might be needed already next year, in order to ensure an adequate level of payment appropriations in the EU budget in response, and to avoid the accumulation of unpaid bills under cohesion policy at the end of the year;

26. Notes and regrets the fact that corporate tax fraud and tax avoidance have caused huge losses of tax income for Member States, and therefore a reduction in their contributions to the EU budget; considers moreover that such unfair tax competition in some cases means GDP transfer from one Member State to another and GNI transfer to non-EU tax havens, thus reducing aggregate Member State contributions to the EU budget;

Wednesday 15 March 2017

27. Reiterates its long-standing position that the payments of special instruments (the Flexibility Instrument, the EU Solidarity Fund, the European Globalisation Adjustment Fund and the Emergency Aid Reserve) must be counted over and above the MFF payment ceiling, as is the case for commitments; underlines, in the context of the ongoing MFF mid-term revision, the potential progress achieved on the issue of budgeting the payments of the MFF special instruments with the revision of the 2014 Contingency Margin decision, even if the matter was not unequivocally resolved;

Looking forward

28. Underlines that according to the MFF regulation, the Commission will put forward by the end of 2017 its proposals for the post-2020 MFF, which should take into account the decision of the United Kingdom to leave the EU which will impact on the post-2020 MFF; stresses that this decision makes it impossible to proceed with business as usual; attaches the utmost importance to the process leading up to the establishment of the new financial framework and a reformed and more efficient EU budget, and expects this to be commensurate to the challenges the Union is facing and to the commitments it has already entered into; calls for a swift and positive conclusion to the ongoing mid-term MFF revision that can ensure both the necessary adjustment of the current financial framework and the degree of additional flexibility of the EU budget that is indispensable for attaining the Union's objectives;

29. Underlines that the predictability and long-term sustainability of the EU budget is a prerequisite for a strong and stable European Union; stresses the need to align the duration of the MFF with the political cycles of both Parliament and the Commission; draws attention to the fact that the UK's withdrawal from the EU will provide an opportunity to address the long-standing issues which have prevented the EU budget from reaching its real potential, especially as regards the revenue side, in order to phase out all rebates and correction mechanisms; reaffirms its position in favour of an in-depth reform of EU own resources, and welcomes in this respect the presentation of the final report of the High-Level Group on Own Resources (HLGOR); invites all involved parties to draw the appropriate conclusions from this report and to analyse the feasibility of implementing the recommendations of the HLGOR that would help make the EU budget more stable, simple, autonomous, fair and predictable; expects that any new own resources should lead to a reduction in Member States' GNI contributions; welcomes the conclusion of the HLGOR regarding the fact that the EU budget needs to focus on areas bringing the highest European added value and regarding the 'juste retour' approach, which should end, as it has been shown by the report that all Member States benefit from the EU budget, irrespective of their 'net balance';

30. Encourages the Commission to continue developing and implementing the 'EU budget focused on results' strategy; underlines, in this regard, the importance of simplifying rules, streamlining the monitoring process and developing relevant performance indicators;

31. Stresses that the principle of gender equality should be mainstreamed, wherever possible, as a horizontal policy objective in all titles of the EU budget;

32. Stresses the importance of Parliament being fully involved in all budget-related matters, as the sole institution democratically elected by EU citizens;

33. Calls on the Council to live up to its political statements and cooperate to ensure that the EU is equipped with an adequate budget;

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34. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

Thursday 16 March 2017

P8_TA(2017)0090

Supply chain due diligence by importers of minerals and metals originating in conflict-affected and high-risk areas *I**

European Parliament legislative resolution of 16 March 2017 on the proposal for a regulation of the European Parliament and of the Council setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas (COM(2014)0111 — C7-0092/2014 — 2014/0059(COD))

(Ordinary legislative procedure: first reading)

(2018/C 263/39)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0111),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0092/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 8 December 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 International Trade and the opinion of the Committee on Development (A8-0141/2015),
1. Adopts its position at first reading hereinafter set out ⁽¹⁾;
 2. Takes note of the Council statement and Commission statements annexed to this resolution;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2014)0059

Position of the European Parliament adopted at first reading on 16 March 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/821.)

⁽¹⁾ This position replaces the amendments adopted on 20 May 2015 (Texts adopted, P8_TA(2015)0204)

Thursday 16 March 2017

ANNEX TO THE LEGISLATIVE RESOLUTION

Statement by the Council on the Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high risk areas

The Council agrees, on an exceptional basis, to delegate to the Commission the power to adopt delegated acts to amend the thresholds of Annex I as set out in Article 1(4) and (5), so as to ensure a timely adoption of the thresholds and to meet the objectives of this Regulation. Such agreement is without prejudice to future legislative proposals in the area of trade, as well as in the area of external relations as a whole.

Statement 1 by the Commission on the Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high risk areas

The Commission will consider making additional legislative proposals targeted at EU companies with products containing tin, tantalum, and tungsten and gold in their supply chain should it conclude that the aggregate efforts of the EU market on the responsible global supply chain of minerals are insufficient to leverage responsible supply behaviour in producer countries, or should it assess that the buy-in of downstream operators that have in place supply chain due diligence systems in line with the OECD guidance is insufficient.

Statement 2 by the Commission on the Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high risk areas

In the exercise of its empowerment to adopt delegated acts pursuant to Article 1(5), the Commission will take due account of the objectives of this Regulation, notably as set out in recitals (1), (7), (10) and (17).

In doing so, the Commission will, in particular, consider the specific risks associated with the operation of upstream gold supply chains in conflict affected and high-risk areas and taking into account the position of Union micro and small enterprises importing gold in the EU.

Statement 3 by the Commission on the Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high risk areas

In response to the request of the European Parliament for specific guidelines, the Commission is willing to develop performance indicators specific to the responsible sourcing of conflict minerals. By means of such guidelines, relevant companies with more than 500 employees that are required to disclose non-financial information in conformity with Directive 2014/95/EU would be encouraged to disclose specific information in relation to products containing tin, tantalum, tungsten or gold.

Thursday 16 March 2017

P8_TA(2017)0091

Union framework for the collection, management and use of data in the fisheries sector *I**

European Parliament legislative resolution of 16 March 2017 on the proposal for a regulation of the European Parliament and of the Council concerning the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (recast) (COM(2015)0294 — C8-0160/2015 — 2015/0133(COD))

(Ordinary legislative procedure — recast)

(2018/C 263/40)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0294),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0160/2015),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 16 September 2015 ⁽¹⁾,
 - having regard to the opinion of the Committee of the Regions of 10 February 2016 ⁽²⁾,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts ⁽³⁾,
 - having regard to the letter of 28 January 2016 from the Committee on Legal Affairs to the Committee on Fisheries in accordance with Rule 104(3) of its Rules of Procedure,
 - having regard to the provisional agreement approved by the responsible committee under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 January 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 104 and 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A8-0150/2016),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

⁽¹⁾ OJ C 13, 15.1.2016, p. 201.

⁽²⁾ OJ C 120, 5.4.2016, p. 40.

⁽³⁾ OJ C 77, 28.3.2002, p. 1.

Thursday 16 March 2017

P8_TC1-COD(2015)0133

Position of the European Parliament adopted at first reading on 16 March 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy and repealing Council Regulation (EC) No 199/2008 (recast)

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1004.)

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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