

# Official Journal of the European Union

C 331



English edition

## Information and Notices

Volume 61

18 September 2018

### Contents

#### EUROPEAN PARLIAMENT

2017-2018 SESSION

Sittings of 12 to 15 June 2017

*The Minutes of this session have been published in OJ C 68, 22.2.2018.*

TEXTS ADOPTED

#### I Resolutions, recommendations and opinions

##### RESOLUTIONS

##### European Parliament

##### Tuesday 13 June 2017

2018/C 331/01	European Parliament resolution of 13 June 2017 on increasing engagement of partners and visibility in the performance of European Structural and Investment Funds (2016/2304(INI)) . . . . .	2
2018/C 331/02	European Parliament resolution of 13 June 2017 on cost effectiveness of the 7th Research Programme (2015/2318(INI)) . . . . .	10
2018/C 331/03	European Parliament resolution of 13 June 2017 on statelessness in South and South East Asia (2016/2220(INI)) . . . . .	17
2018/C 331/04	European Parliament resolution of 13 June 2017 on cross-border mergers and divisions (2016/2065(INI)) . . . . .	25
2018/C 331/05	European Parliament resolution of 13 June 2017 on the assessment of Horizon 2020 implementation in view of its interim evaluation and the Framework Programme 9 proposal (2016/2147(INI)) . . . .	30
2018/C 331/06	European Parliament resolution of 13 June 2017 on building blocks for a post-2020 EU cohesion policy (2016/2326(INI)) . . . . .	41
2018/C 331/07	European Parliament resolution of 13 June 2017 on the status of fish stocks and the socio-economic situation of the fishing sector in the Mediterranean (2016/2079(INI)) . . . . .	50

EN

### **Wednesday 14 June 2017**

2018/C 331/08	European Parliament resolution of 14 June 2017 on the need for an EU strategy to end and prevent the gender pension gap (2016/2061(INI))	60
2018/C 331/09	European Parliament resolution of 14 June 2017 on the 2016 Commission Report on Serbia (2016/2311(INI))	71
2018/C 331/10	European Parliament resolution of 14 June 2017 on the 2016 Commission Report on Kosovo (2016/2314(INI))	80
2018/C 331/11	European Parliament resolution of 14 June 2017 on the 2016 Commission Report on the former Yugoslav Republic of Macedonia (2016/2310(INI))	88
2018/C 331/12	European Parliament resolution of 14 June 2017 on the situation in the Democratic Republic of the Congo (2017/2703(RSP))	97
2018/C 331/13	European Parliament resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh (2017/2636(RSP))	100

### **Thursday 15 June 2017**

2018/C 331/14	European Parliament resolution of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli (2017/2722(RSP))	105
2018/C 331/15	European Parliament resolution of 15 June 2017 on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP))	109
2018/C 331/16	European Parliament resolution of 15 June 2017 on the human rights situation in Indonesia (2017/2724(RSP))	113
2018/C 331/17	European Parliament resolution of 15 June 2017 on the implementation of the European Fund for Strategic Investments (2016/2064(INI))	116
2018/C 331/18	European Parliament resolution of 15 June 2017 on a European Agenda for the collaborative economy (2017/2003(INI))	125
2018/C 331/19	European Parliament resolution of 15 June 2017 on online platforms and the digital single market (2016/2276(INI))	135
2018/C 331/20	European Parliament resolution of 15 June 2017 on the humanitarian situation in Yemen (2017/2727(RSP))	146
2018/C 331/21	European Parliament resolution of 15 June 2017 on the funding of political parties and political foundations at European level (2017/2733(RSP))	150

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## II *Information*

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

#### **European Parliament**

##### **Wednesday 14 June 2017**

2018/C 331/22	European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Rolandas Paksas (2016/2070(IMM)) . . . . .	151
2018/C 331/23	European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Mylène Troszczynski (2017/2019(IMM)) . . . . .	153
2018/C 331/24	European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Jean-Marie Le Pen (2017/2020(IMM)) . . . . .	155

##### **Thursday 15 June 2017**

2018/C 331/25	European Parliament decision of 15 June 2017 on the request for waiver of the immunity of Marine Le Pen (2017/2021(IMM)) . . . . .	157
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## III *Preparatory acts*

### EUROPEAN PARLIAMENT

#### **Tuesday 13 June 2017**

2018/C 331/26	P8_TA(2017)0249  Participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) ***I  European Parliament legislative resolution of 13 June 2017 on the proposal for a decision of the European Parliament and of the Council on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States (COM(2016)0662 — C8-0421/2016 — 2016/0325(COD))  P8_TC1-COD(2016)0325  Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States . . . . .	159
2018/C 331/27	P8_TA(2017)0250  Specific measures to provide additional assistance to Member States affected by natural disasters ***I  European Parliament legislative resolution of 13 June 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters (COM(2016)0778 — C8-0489/2016 — 2016/0384(COD))  P8_TC1-COD(2016)0384  Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters . . . . .	162

2018/C 331/28	P8_TA(2017)0251	
	Energy efficiency labelling ***I	
	European Parliament legislative resolution of 13 June 2017 on the proposal for a regulation of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU (COM(2015)0341 — C8-0189/2015 — 2015/0149(COD))	
	P8_TC1-COD(2015)0149	
	Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council setting a framework for energy labelling and repealing Directive 2010/30/EU . . . . .	163
2018/C 331/29	P8_TA(2017)0252	
	European Capitals of Culture for the years 2020 to 2033 ***I	
	European Parliament legislative resolution of 13 June 2017 on the proposal for a decision of the European Parliament and of the Council amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (COM(2016)0400 — C8-0223/2016 — 2016/0186(COD))	
	P8_TC1-COD(2016)0186	
	Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 . . . . .	165
	<b>Wednesday 14 June 2017</b>	
2018/C 331/30	Amendments adopted by the European Parliament on 14 June 2017 on the proposal for a regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change (COM(2016)0482 — C8-0331/2016 — 2016/0231(COD)) .	166

*Key to symbols used*

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

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

Amendments by Parliament:

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



**EUROPEAN PARLIAMENT**

2017-2018 SESSION

Sittings of 12 to 15 June 2017

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TEXTS ADOPTED

Tuesday 13 June 2017

I

(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8\_TA(2017)0245

**Increasing engagement of partners and visibility in the performance of European Structural and Investment Funds**

**European Parliament resolution of 13 June 2017 on increasing engagement of partners and visibility in the performance of European Structural and Investment Funds (2016/2304(INI))**

(2018/C 331/01)

*The European Parliament,*

- having regard to Articles 174, 175 and 177 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(1)</sup> (‘the Common Provisions Regulation’),
- having regard to Commission Delegated Regulation (EU) No 240/2014 of 7 January 2014 on the European code of conduct on partnership in the framework of the European Structural and Investments Funds <sup>(2)</sup>,
- having regard to its resolution of 16 February 2017 on investing in jobs and growth — maximising the contribution of European Structural and Investment Funds: an evaluation of the report under Article 16(3) of the CPR <sup>(3)</sup>,
- having regard to its resolution of 16 February 2017 on delayed implementation of ESI Funds operational programmes — impact on cohesion policy and the way forward <sup>(4)</sup>,
- having regard to its resolution of 10 May 2016 on new territorial development tools in cohesion policy 2014-2020: Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD) <sup>(5)</sup>,
- having regard to its resolution of 26 November 2015 on Towards simplification and performance orientation in cohesion policy 2014-2020 <sup>(6)</sup>,

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

<sup>(2)</sup> OJ L 74, 14.03.2014, p. 1.

<sup>(3)</sup> Texts adopted, P8\_TA(2017)0053.

<sup>(4)</sup> Texts adopted, P8\_TA(2017)0055.

<sup>(5)</sup> Texts adopted, P8\_TA(2016)0211.

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



Tuesday 13 June 2017

- having regard to the Council conclusions of 16 November 2016 on results and new elements of cohesion policy and the European structural and investment funds <sup>(1)</sup>,
- having regard to the Commission communication entitled ‘Ensuring the visibility of Cohesion Policy: Information and communication rules 2014 — 2020’ <sup>(2)</sup>,
- having regard to the Flash Eurobarometer 423 of September 2015 commissioned by the Commission entitled ‘Citizens’ awareness and perceptions of EU: Regional Policy’ <sup>(3)</sup>,
- having regard to the Van den Brande report of October 2014 entitled ‘Multilevel Governance and Partnership’, prepared at the request of the Commissioner for Regional and Urban Policy Johannes Hahn’ <sup>(4)</sup>,
- having regard to the communication plan of the European Committee of the Regions for the year 2016 entitled ‘Connecting regions and cities for a stronger Europe’ <sup>(5)</sup>,
- having regard to the study of July 2016 commissioned by the Commission entitled ‘Implementation of the partnership principle and multi-level governance in the 2014-2020 ESI Funds’ <sup>(6)</sup>,
- having regard to the presentation of the Interreg Europe Secretariat entitled ‘Designing a project communication strategy’ <sup>(7)</sup>,
- having regard to the report prepared as part of the Ex post evaluation and forecast of benefits to EU-15 countries as a result of Cohesion Policy implementation in V4 countries, commissioned by the Polish Ministry of Economic Development and entitled ‘How do EU-15 Member States benefit from the Cohesion Policy in the V4?’ <sup>(8)</sup>,
- having regard to the European Anti-Poverty Network (EAPN) handbook of 2014 entitled ‘Giving a voice to citizens: Building stakeholder engagement for effective decision-making — Guidelines for Decision-Makers at EU and national levels’ <sup>(9)</sup>,
- having regard to the study by its Directorate-General for Internal Policies (Department B: Structural and Cohesion Policies) of November 2014 entitled ‘Communicating Europe to its Citizens: State of Affairs and Prospects’,
- having regard to the briefing by its Directorate-General for Internal Policies (Department B: Structural and Cohesion Policies) of April 2016 entitled ‘Research for REGI Committee: Mid-term review of the MFF and Cohesion Policy’,
- having regard to the Commission staff working document of 19 September 2016 on the Ex-post evaluation of the ERDF and Cohesion Fund 2007-2013 (SWD(2016)0318),

<sup>(1)</sup> [http://www.consilium.europa.eu/press-releases-pdf/2016/11/47244650399\\_en.pdf](http://www.consilium.europa.eu/press-releases-pdf/2016/11/47244650399_en.pdf).

<sup>(2)</sup> [http://ec.europa.eu/regional\\_policy/en/information/publications/brochures/2014\\_ensuring-the-visibility-of-cohesion-policy-information-and-communication-rules-2014-2020](http://ec.europa.eu/regional_policy/en/information/publications/brochures/2014_ensuring-the-visibility-of-cohesion-policy-information-and-communication-rules-2014-2020)

<sup>(3)</sup> <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/67400>

<sup>(4)</sup> [http://ec.europa.eu/regional\\_policy/sources/informing/dialog/2014/5\\_vandenbrande\\_report.pdf](http://ec.europa.eu/regional_policy/sources/informing/dialog/2014/5_vandenbrande_report.pdf)

<sup>(5)</sup> <http://cor.europa.eu/en/about/Documents/CoR-communication-plan-2016.pdf>

<sup>(6)</sup> [http://ec.europa.eu/regional\\_policy/sources/policy/how/studies\\_integration/impl\\_partner\\_report\\_en.pdf](http://ec.europa.eu/regional_policy/sources/policy/how/studies_integration/impl_partner_report_en.pdf)

<sup>(7)</sup> [http://www.interregeurope.eu/fileadmin/user\\_upload/events/Rotterdam/pdf/Designing\\_communication\\_strategy.pdf](http://www.interregeurope.eu/fileadmin/user_upload/events/Rotterdam/pdf/Designing_communication_strategy.pdf)

<sup>(8)</sup> [https://www.strukturalni-fondy.cz/getmedia/fdc8a04e-590d-47ac-9213-760d4ac76f75/V4\\_EU15\\_manazerske-shrnuti.pdf?ext=.pdf](https://www.strukturalni-fondy.cz/getmedia/fdc8a04e-590d-47ac-9213-760d4ac76f75/V4_EU15_manazerske-shrnuti.pdf?ext=.pdf)

<sup>(9)</sup> <http://www.eapn.eu/images/stories/docs/EAPN-position-papers-and-reports/2014-eapn-handbook-Give-a-voice-to-citizens-Guidelines-for-Stakeholder-Engagement.pdf>

**Tuesday 13 June 2017**

- having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinions of the Committee on Budgets and the Committee on Employment and Social Affairs (A8-0201/2017),
- A. whereas cohesion policy has contributed significantly to enhancing growth and jobs, and to reducing disparities among EU regions;
- B. whereas EU cohesion policy funding has a positive impact on both the economy and citizens' lives, as shown by several reports and independent evaluations, but the results have not always been well communicated and awareness of its positive effects remains rather low; whereas the added value of EU cohesion policy goes beyond the proven positive economic, social and territorial impact, as it also implies the commitment of Member States and regions towards strengthening European integration;
- C. whereas the awareness of local EU-funded programmes among end-users and civil society is crucial, irrespective of the funding levels in a specific region;
- D. whereas the partnership principle and the multi-level governance model, which are based on enhanced coordination among public authorities, economic and social partners and civil society, can effectively contribute to better communicating EU policy objectives and results;
- E. whereas a permanent dialogue and the engagement of civil society is essential in providing accountability and legitimacy for public policies, creating a sense of shared responsibility and transparency in the decision-making process;
- F. whereas increasing the visibility of ESI Funds can contribute to improving perceptions about the effectiveness of cohesion policy and to regaining citizens' confidence and interest in the European project;
- G. whereas a coherent communication line is essential, not only downstream with regard to the concrete results of ESI Funds, but also upstream in order to make project initiators aware of funding opportunities, with a view to increasing public involvement in the implementation process;
- H. whereas methodologies for providing information and for the diversification of communication channels should be increased and improved;

### ***General considerations***

1. Emphasises that cohesion policy is one of the main public vehicles of growth that, through its five ESI Funds, ensures investment in all EU regions and helps to reduce disparities, to support competitiveness and smart, sustainable and inclusive growth and to improve the quality of life of European citizens;
2. Notes with concern that overall public awareness and perceptions about the effectiveness of the EU's regional policy have been declining over the years; refers to Eurobarometer survey 423 of September 2015, in which just over one third (34 %) of Europeans claim to have heard about EU co-financed projects improving the quality of life in the area in which they live; notes that the majority of respondents mentioned education, health, social infrastructure and environmental policy as important domains; considers that not only the quantity but mainly the quality of projects funded under the ESI Funds and their added value in terms of tangible results are pre-requisites for positive communication; underlines, therefore, that the assessment, selection, implementation and finalisation of projects must focus on achieving the expected results, in order to avoid ineffective spending which could lead to negative publicity for cohesion policy; draws attention to the fact that communication measures must be selected with special consideration for their contents and scope, while reiterating that the best form of advertising is to illustrate the significance and usefulness of the implemented projects;
3. Notes that ensuring the visibility of cohesion policy investments should remain a shared responsibility of the Commission and the Member States, with a view to formulating effective European communication strategies designed to ensure the visibility of cohesion policy investments; notes, in this context, the role of the managing authorities and of the competent local and regional authorities in particular, through institutional communication as well as beneficiaries, as they

Tuesday 13 June 2017

constitute the most effective interface of communication with citizens by providing information in situ and bringing Europe closer to them; recalls, moreover, that these authorities have the best knowledge of local and regional realities and needs, and that improving visibility requires more efforts for better information and transparency at grassroots level;

4. Underlines that providing visibility for a policy involves a dual process of communication and interaction with partners; highlights, moreover, that, in the context of complex challenges, and in order to ensure legitimacy and provide effective long-term solutions, public authorities need to involve relevant stakeholders during all negotiation and implementation phases of the Partnership Agreement and the operational programmes, in line with the partnership principle; stresses, moreover, the need to strengthen the institutional capacity of public authorities and partners and reiterates the role that the European Social Fund (ESF) can play in this regard;

5. Stresses in this context the uneven progress registered across Member States towards streamlining administrative procedures in terms of the broader mobilisation and involvement of regional and local partners, including economic and social partners and bodies representing civil society; recalls the importance of social dialogue in this regard;

### ***Challenges to be addressed***

6. Points to the increase in Euroscepticism and in anti-European populist propaganda, which distorts information on Union policies, and calls on the Commission and the Council to analyse and address their underlying causes; stresses, therefore, the urgent need to develop more effective communication strategies, ensuring citizen-friendly language and aiming to bridge the gap between the EU and its citizens, including the unemployed and those at risk of social exclusion, via a variety of media platforms at local, regional and national levels that are capable of conveying an accurate and coherent message to citizens on the added value of the European project for their quality of life and prosperity;

7. Invites the Commission and the Council to analyse, both for the current framework and for the post-2020 reform of cohesion policy the impact on the perception of EU policies of the measures aimed at strengthening the link with the European semester and at implementing structural reforms via programmes financed by ESI Funds;

8. Acknowledges the limitations of the legal framework as regards ensuring that cohesion policy has adequate visibility; stresses that, as a result, communication on its tangible achievements has not always been a priority for the different stakeholders; considers that the recommended communication activities on tangible achievements should be constantly updated; notes, in this context, the fact that the technical assistance of the ESI Funds does not include a dedicated financial envelope for communication, at either Union or Member State level; stresses, however, the responsibility of managing authorities and beneficiaries to monitor regularly compliance with the information and communication activities, as provided for in Article 115 and Annex XII of the Common Provisions Regulation;

9. Reiterates the imperative of finding a proper balance between the need to simplify the rules governing the implementation of cohesion policy and the need to preserve sound and transparent financial management and combat fraud while still communicating this properly to the public; recalls, in this context, the need to clearly distinguish between irregularities and fraud, so as not to create public distrust in the managing authorities and local administrations; insists, moreover, on the need to simplify and lessen the administrative burden for beneficiaries, without affecting necessary controls and audits;

10. Underlines that it is essential to increase ownership of the policy on the ground, both locally and regionally, in order to ensure efficient delivery and communication of the results; appreciates that the partnership principle adds value to the implementation of European public policies, as confirmed by a recent Commission study; points out, however, that mobilising partners remains rather difficult in some cases on account of the partnership principle being implemented formally but not allowing for real participation in the governance process; recalls that more efforts and resources need to be invested in partnership involvement and in the exchange of experiences through dialogue platforms for partners, with a view, moreover, to making them multipliers of EU funding opportunities and successes;

**Tuesday 13 June 2017**

11. Recalls, furthermore, that the long-term, strategic nature of cohesion policy investments means that results are sometimes not immediate, a situation that is detrimental to the visibility of cohesion policy instruments, especially when compared with other Union tools, such as the European Fund for Strategic Investments (EFSI); urges, therefore, that communication activities should, where appropriate, continue for another four years after closure of the project; stresses that the results of certain investments (especially those in human capital) are less visible and harder to quantify than 'physical' investments and calls for a more detailed and differentiated evaluation of the long-term impact of cohesion policy on citizens' lives; considers, moreover, that special attention should be paid to the ex-post evaluation and communication activities on the contribution of ESI Funds to the Union's strategy for smart, sustainable and inclusive growth, as the long-term European development strategy;

12. Notes the important role played by the media in informing citizens on various EU policies and EU affairs in general; regrets, however, the rather limited media coverage of EU cohesion policy investments; stresses the need to develop information campaigns and communication strategies that target the media, that are adapted to the current informational challenges and that deliver information in an accessible and attractive form; stresses the need to harness the growing influence of social media, the advantages offered by digital advancements and the mix of the different types of communication channels available, in order to utilise them better when promoting the opportunities provided and achievements delivered by ESI Funds;

***Improving communication and the engagement of partners during the second half of the 2014-2020 period***

13. Calls on the Commission and the Member States to increase the coordination and accessibility of existing communication means and instruments at EU level, with a view to addressing topics that have an impact on the EU agenda; emphasises, in this context, the importance of providing guidelines that set out techniques and methods for communicating effectively how cohesion policy delivers tangible results for the everyday lives of EU citizens; calls on the managing authorities and beneficiaries to communicate the results, benefits and long-term impact of the policy actively and systematically, while taking into account the different project development stages;

14. Points out that, given the quantity and quality of information transmitted on traditional and modern media, it is no longer enough simply to display the Commission logo on project description panels; calls on the Commission to devise more effective means of identification;

15. Welcomes the current specific communication activities, such as the 'Europe in My Region' campaign, the Commission's 'EU Budget for Results' web application, the cooperation with CIRCOM Regional<sup>(1)</sup>, the Europe for Citizens Programme and the opportunities provided by the newly created European Solidarity Corps; stresses, in addition, the key role played by Europe Direct information Centres in decentralised communication, with a view to increasing awareness of cohesion policy impact on the ground, both locally and regionally; stresses, moreover, the need to concentrate efforts on reaching students and journalists as potential communication vectors, and on ensuring a geographical balance in the communication campaigns;

16. Underlines the need to adjust the communication arrangements laid down in the Common Provisions Regulation; invites the Commission to consider the added value of providing a specific financial envelope for communication within the technical assistance, as well as of increasing, where appropriate, the number of binding publicity and information requirements for cohesion policy projects; calls on the Commission to provide clear guidance in 2017 on how technical assistance could be used for communication in the current funding period, with a view to ensuring legal certainty for local and regional authorities and other beneficiaries; reiterates, furthermore, that the ordinary communication and advertising standards, while well-conceived in the case of structural and technological investments, are not as effective for intangible investments in human capital;

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<sup>(1)</sup> Professional Association of Regional Public Service Television in Europe.

Tuesday 13 June 2017

17. Underlines the need to give greater precedence to communication within the hierarchy of EU cohesion policy priorities, especially in the context of the work of management staff not directly responsible for communication, and to incorporate communication into the normal procedure of ESI Funds; calls for further professionalism in the field of communication, especially in going local and avoiding EU jargon;

18. Welcomes the ex-post evaluation of cohesion policy programmes for the period 2007-2013 undertaken by the Commission, which provide excellent sources for communicating the results achieved and impact made; takes note of the initiative of the V4 countries on the externalities of cohesion policy in EU-15 <sup>(1)</sup> and calls on the Commission to draft a broader objective study at EU-28 level; further urges the Commission to differentiate its communication strategies towards net contributor and net beneficiary Member States, and to highlight the specific benefits that cohesion policy brings in terms of boosting the real economy, fostering entrepreneurship and innovation, creating growth and jobs in all EU regions and improving community and economic infrastructure, both through direct investments and direct and indirect exports (externalities);

19. Calls on the Commission and the managing authorities to identify ways to facilitate and standardise access to information, to promote an exchange of knowledge and good practices on communication strategies in order to better capitalise on the existing experience and increase the transparency and visibility of funding opportunities;

20. Welcomes the introduction of e-cohesion in the current programming period, which aims to simplify and streamline the implementation of ESI Funds; underlines its capacity to contribute effectively to accessing information, the monitoring of programme development and the creation of useful links among stakeholders;

21. Considers that there is a need for enhanced communication through new media channels, which will require a strategy for digital and social media platforms designed to inform citizens and give them the opportunity to voice their needs, focusing on reaching end-users through different sets of tools such as interactive online means, developing more accessible mobile-based content and applications, as well as ensuring that information is tailored to different age groups and available in different languages, where appropriate; invites the managing authorities to provide the relevant DGs with up-to-date information on the financial data and achievements and investments, with a view to displaying easily readable data and charts within the ESI Funds Open Data Platform, for the benefit of journalists; calls for the launch of regional award initiatives for the best projects, inspired by RegioStars;

22. Suggests, furthermore, that the monitoring and evaluation of current communication activities be improved and proposes the establishment of regional communications taskforces involving actors across a number of levels;

23. Highlights the importance of the European code of conduct on partnership and the role of the partnership principle in enhancing the collective commitment to and ownership of cohesion policy; calls for the link between public authorities, potential beneficiaries, the private sector, civil society and citizens to be strengthened through open dialogue, and for the make-up of the partnership participants to be altered during implementation where necessary, with a view to ensuring the right mix of partners to represent community interests at every stage of the process;

24. Welcomes the innovative model of multilevel and multi-stakeholder cooperation proposed by the EU Urban Agenda and recommends its replication, where possible, in the implementation of cohesion policy;

25. Highlights the need to enhance the communicational dimension of cross-border and inter-regional cooperation, including at the level of ongoing macro-regional strategies, which should be made more visible for EU citizens, through the dissemination of good practices and of investment success stories and opportunities;

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<sup>(1)</sup> Report prepared as part of the Ex-post evaluation and forecast of benefits to EU-15 countries as a result of Cohesion Policy implementation in V4 countries, commissioned by the Polish Ministry of Economic Development and entitled 'How do EU-15 Member States benefit from the Cohesion Policy in the V4'.

Tuesday 13 June 2017

***Fostering post-2020 communication on cohesion policy***

26. Calls on the Commission and Member States to boost the attractiveness of EU cohesion policy funding through further simplification and limitation of gold plating, and to consider reducing the complexity and, where appropriate, the number of regulations and guidelines, in the light of the recent recommendation by the High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the ESI Funds;

27. Taking into consideration how EU cohesion policy contributes to positive identification with the European integration project, calls on the Commission to consider a compulsory communication field in the project application forms, as part of an increased use of technical assistance through an envelope set aside for communication, at programme level, while guarding against increasing the number of constraints and ensuring the necessary flexibility; calls, in addition, on the managing and local and regional authorities to improve the quality of their communication on the final results of projects;

28. Highlights the imperative of increasing the Union's dialogue with citizens, of rethinking communication channels and strategies and, given the opportunities offered by social networks and new digital technologies, of adapting messages to local and regional contexts; emphasises, moreover, the potential role of civil society stakeholders as vectors for communication; reiterates, nevertheless, that educational content is as important as media strategies and promotion via different platforms;

29. Emphasises, in the context of communication and visibility, the need for further simplification of the policy post 2020, including with regard to shared management and audit systems, in order to strike the right balance between a policy geared towards results, an appropriate number of checks and controls, and simplified procedures;

30. Calls for the partnership principle to be further strengthened within the framework of the post-2020 programming period; is convinced that actively engaging stakeholders, including organisations that represent civil society, in the process of negotiating and implementing the Partnership Agreement and the operational programmes, could contribute to enhancing the ownership and transparency of policy implementation and could also entail better policy implementation with regard to the EU budget; calls on the Member States, therefore, to consider implementing existing models of participatory governance, bringing together all relevant societal partners and involving stakeholders in a participatory budgeting process in order to determine the resources allocated for national, regional and local co-financing, where appropriate, with a view to increasing the mutual trust and engagement of citizens in public spending decisions; suggests, furthermore, that participatory outcome assessments involving the beneficiaries and different stakeholders be carried out, in order to gather relevant data which could contribute to boosting active participation and visibility with regard to future action;

31. Further insists on increasing urban-rural cooperation to develop territorial partnerships between cities and rural areas through fully exploiting the potential of synergies between EU funds and building on the expertise of urban areas and their greater capacity in managing funds;

32. Urges the Commission and the Member States to focus, moreover, in their respective communication action plans, on strengthening cooperation among the different Directorate-Generals, ministries and communicators at different levels, and on establishing an overview of target audiences, with a view to developing and conveying messages tailored to specific target groups in order to reach citizens on the ground more directly and inform them better;

33. Stresses in this context the importance of a culture shift, in the sense that communication is a responsibility of all actors involved, and beneficiaries themselves are becoming main communicators;

34. Further asks the Commission and the Member States to strengthen the role and position of pre-existing communication and information networks and to use the interactive EU e-communication platform on cohesion policy implementation, so as to collect all relevant data on ESI Fund projects, allowing end-users to give their feedback on the

Tuesday 13 June 2017

implementation process and the results achieved, beyond a scant description of the project and the expenditure incurred; takes the view that such a platform would also facilitate the evaluation of the effectiveness of cohesion policy communication;

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

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Tuesday 13 June 2017

P8\_TA(2017)0246

## **Cost effectiveness of the 7th Research Programme**

**European Parliament resolution of 13 June 2017 on cost effectiveness of the 7th Research Programme (2015/2318(INI))**

(2018/C 331/02)

*The European Parliament,*

- having regard to Title XIX of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) <sup>(1)</sup>,
  - 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 Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) <sup>(2)</sup>,
  - 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 <sup>(3)</sup> ('the Financial Regulation'),
  - having regard to the annual report of the Court of Auditors on the implementation of the budget concerning the financial year 2014, together with the institutions' replies <sup>(4)</sup>,
  - having regard to Special Report No 2/2013 of the Court of Auditors, entitled 'Has the Commission ensured efficient implementation of the Seventh Framework Programme for Research?',
  - having regard to the report of the UK House of Commons, Science and Technology Committee, entitled 'Leaving the EU: implications and opportunities for science and research', of 16 November 2016 <sup>(5)</sup>,
  - having regard to its decision of 28 April 2016 on discharge in respect of the implementation of the general budget of the European Union for the financial year 2014, Section III — Commission <sup>(6)</sup>,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Budgetary Control (A8-0194/2017),
- A. whereas the multiannual financial framework (MFF) 2007-2013 has come to an end, but the implementation of the Seventh Framework Programme for research and innovation (FP7) is still ongoing;
- B. whereas research and innovation projects during the MFF 2014-2020 fall under the Horizon 2020 regulation;
- C. whereas, to the best of its knowledge, no comprehensive cost effectiveness analysis exists concerning FP7;

<sup>(1)</sup> OJ L 412, 30.12.2006, p. 1.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 104.

<sup>(3)</sup> OJ L 298, 26.10.2012, p. 1.

<sup>(4)</sup> OJ C 373, 10.11.2015, p. 1.

<sup>(5)</sup> <http://www.parliament.uk/business/committees/committees-a-z/commons-select/science-and-technology-committee/inquiries/parliament-2015/leaving-the-eu-inquiry-16-17/publications/>

<sup>(6)</sup> OJ L 246, 14.9.2016, p. 25.



Tuesday 13 June 2017

- D. whereas a comprehensive evaluation of FP7 should — ideally — have preceded the entry into force of Horizon 2020;
- E. whereas error rates and ex-post evaluation of the programme do not offer comprehensive information about cost effectiveness;

### ***The Seventh Framework Programme (FP7)***

1. Highlights the fact that FP7 represented a total voted budget of EUR 55 billion, accounting for an estimated 3 % of total research and technological development (RTD) expenditure in Europe, or 25 % of competitive funding; over the seven-year duration of FP7, more than 139 000 research proposals were submitted, from which 25 000 projects of the highest quality were selected and received funding; the main recipients among the 29 000 organisations participating in FP7 were, inter alia, universities (44 % of FP7 funding), research and technology organisations (27 %), large private companies (11 %) and SMEs (13 %), while the public sector (3 %) and civil society organisations (2 %) represented a less significant share;

2. Is aware that FP7 serves beneficiaries from all the EU Member States, associate and candidate countries such as Switzerland, Israel, Norway, Iceland, Liechtenstein, Turkey, Croatia, the former Yugoslav Republic of Macedonia, Serbia, Albania, Montenegro, Bosnia and Herzegovina, the Faroe Islands and Moldavia, and international cooperation partner countries;

3. Points to the ex-post evaluation of FP7, undertaken by a high-level expert group <sup>(1)</sup>, which considered FP7 to have been a success; the high-level group underlined in particular that FP7:

- encouraged scientific excellence at an individual and institutional level,
  - promoted ground-breaking research through the novel programme FP7-IDEAS (European Research Council),
  - engaged industry and SMEs strategically,
  - reinforced a new mode of collaboration and an open innovation framework,
  - strengthened the European Research Area by catalysing a culture of cooperation and constructing comprehensive networks fit to address thematic challenges,
  - addressed certain societal challenges through research, technology and innovation — FP7-COOPERATION,
  - encouraged harmonisation of national research and innovation systems and policies,
  - stimulated mobility of researchers across Europe — FP7-PEOPLE has created the necessary conditions for an open labour market of researchers,
  - promoted investment in European research infrastructures,
  - reached a critical mass of research across the European landscape and worldwide;
4. Notes that the public stakeholder consultation in the context of the FP7 evaluation, held between February and May 2015, pointed to the following weaknesses:
- high administrative burden and cumbersome legal and financial rules,
  - high degree of over-subscription,
  - insufficient focus on societal impact,
  - the scope of topics and calls were too narrow,

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<sup>(1)</sup> Commitment and Coherence, ex-post evaluation of the 7th EU Framework Programme, November 2015 [https://ec.europa.eu/research/evaluations/pdf/fp7\\_final\\_evaluation\\_expert\\_group\\_report.pdf](https://ec.europa.eu/research/evaluations/pdf/fp7_final_evaluation_expert_group_report.pdf)

**Tuesday 13 June 2017**

- insufficient focus on industry participation,
- high threshold for newcomers; low average success rate for proposals and applicants, of 19 % and 22 % respectively,
- weak communication;

5. Is concerned that FP7, according to the Commissioner, will not be fully executed and evaluated before 2020, which could cause delays in future follow-up programmes; urges the Commission to publish the evaluation report as soon as possible and at the latest before it presents the post-Horizon-2020 research programme;

***The findings of the European Court of Auditors (the 'Court')***

6. Emphasises with concern that the Court considers the supervisory and control systems for research and other internal policies to be 'partially effective';

7. Calls on the Commission to inform its competent committee in detail about the 10 transactions that accounted for 77 % of the errors in 2015 and the remedial measures taken;

8. Notes with concern that the research, development and innovation (RDI) error rate in discharge for recent financial years has always been higher than 5 %;

9. Notes that, in 2015, of the 150 transactions that the Court audited, 72 (48 %) were affected by error; on the basis of the 38 errors which the Court had quantified, it estimated the level of error to be 4,4 %; furthermore, in 16 cases of quantifiable errors, the Commission, national authorities or independent auditors had sufficient information to prevent or detect and correct the errors before accepting the expenditure; if all this information had been used to correct errors, the estimated level of error for this chapter would have been 0,6 % lower;

10. Deplores that in 10 out of 38 transactions subject to quantified error the Court reported errors exceeding 20 % of the examined items; these 10 cases (nine from the Seventh Research Framework Programme and one from the 2007-2013 Competitiveness and Innovation Programme) account for 77 % of the overall estimated level of error for 'Competitiveness for growth and jobs' in 2015;

11. Regrets that most of the quantified errors which the Court found (33 out of 38) concerned the reimbursement of ineligible personnel and indirect costs declared by beneficiaries and that almost all of the errors found by the Court in cost statements were due to beneficiaries misinterpreting the complex eligibility rules or incorrectly calculating their eligible costs, which leads to the obvious conclusion that those rules need to be simplified;

12. Acknowledges that the Commission calculated a residual error rate (at the end of the programme and after corrections) of 3 % in 2014 (2,88 % in 2015);

13. Recalls its position in the 2012 and 2014 Commission discharge: 'Remains convinced that the Commission should continue to strive for an acceptable balance between the attractiveness of programmes to participants and the legitimate necessity of accountability and financial control; recalls, in this connection, the statement of the Director-General in 2012 that a procedure designed to attain a residual error rate of 2 % under all circumstances is not a viable option';

14. Regrets that the primary sources of error were incorrectly calculated personnel costs and ineligible direct and indirect costs;

15. Points to and is concerned about the findings of the Court's Special Report No 2/2013, in which the Court concludes that the Commission's processes are geared to ensuring that funding is invested in high-quality research; however, there has been less focus on efficiency;

Tuesday 13 June 2017

- the existing information technology (IT) tools did not allow efficient implementation of the projects, and in the eight Commission services more than 2 500 staff members are employed to implement FP7, among whom 1 500 (60 %) are directly assigned to manage the implementation of the Cooperation Specific Programme,
- the time-to-grant should be further shortened, and
- the FP7 financial control model does not sufficiently take into account the risk of errors;

16. Notes the Commission replies to the Court's conclusions, which pointed out that 4 324 grants had nevertheless been signed, with almost 20 000 participants, that the time-to-grant had already been reduced and that the control architecture had been designed in such a manner as to place most reliance on ex-post control;

### ***Cost effectiveness under FP7***

17. Underlines that cost effectiveness should be measured against economy, efficiency and effectiveness (sound financial management) <sup>(1)</sup> in achieving the policy objectives;

18. Notes that the implementation of research framework programmes was shared among different directorates-general, executive agencies, joint undertakings, so-called Article-185 bodies, the European Investment Bank (EIB) and the European Institute for Innovation and Technology (EIT);

19. Points out that the Directorate-General for Research and Innovation (DG RTD) authorised payments of EUR 3,8 billion in 2015, of which 67,4 % were made under the direct responsibility of the DG, 12,6 % by joint undertakings (JU), 10,7 % by the EIB and the European Investment Fund (EIF) and 2,4 % by executive agencies;

20. Notes that, according to the 2015 DG RTD Annual Activity report, the European Union contributed EUR 44,56 billion to the FP7 programme, of which 58 % went to Germany (16 %), the United Kingdom (16 %), France (11 %), Italy (8 %) and Spain (7 %);

21. Observes that DG RTD has established a control framework aimed at mitigating the inherent risks at the different stages of the direct and indirect grant management process; in addition, DG RTD has put in place a supervision strategy for financial instruments which are implemented by the EIB and the EIF;

22. Notes with regard to FP7 2007-2013 that DG RTD had completed and closed, by the end of 2015, 3 035 grant agreements out of 4 950, and 1 915 projects, with EUR 1,6 billion still to be paid; DG RTD made 826 final payments in 2015; encourages the DG to develop these statistics in subsequent financial years;

23. Points in particular to the fact that indicators such as time-to-grant, time-to-inform and time-to pay showed a positive trend and were considered to be satisfactory (93-100 % compliance);

24. Notes that DG RTD undertook 1 550 audits, covering 1 404 beneficiaries and 58,7 % of the budget during the FP7 programming period;

25. Remarks that DG RTD considers that 9,4 full-time equivalents were employed to supervise and coordinate activities related to executive agencies; this represented EUR 1,26 million or 1,35 % of total administrative costs; in addition, the Research Executive Agency (REA) and the European Research Council Executive Agency (ERCEA) implemented an operational budget of EUR 1,94 billion, and the Executive Agency for Small and Medium-sized Enterprises (EASME) and the Innovation and Networks Executive Agency (INEA) implemented payment appropriations of EUR 480,5 million in 2015;

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<sup>(1)</sup> Title II Chapter 7 of the Financial Regulation.

**Tuesday 13 June 2017**

26. Observes that DG RTD incurred costs of EUR 1,67 million or 0,35 % of the EUR 479,9 million paid to joint undertakings for supervising their activities; observes furthermore that DG RTD incurred costs of EUR 0,7 million or 0,78 % of the payments made to Article-185 bodies for supervising their activities;
27. Emphasises that joint undertakings and Article-185 bodies are responsible for their own audits, the results of which are to be communicated to DG RTD;
28. Notes with concern that DG RTD estimated the overall detected error rate to be 4,35 %; at the same time, the DG believed the residual error rate (at the end of the programme and after corrections) to be 2,88 %;
29. Notes that by the end of 2016 the amount to be recovered was EUR 68 million, of which EUR 49,7 million was effectively collected;
30. Observes, however, that FP7 rules were not sufficiently compatible with general business practices, that the control system needed to have a better balance between risk and control, that beneficiaries needed better guidance to cope with the complexity of the scheme and that the reimbursement methods needed to be more efficient;
31. Is concerned that the annual activity report of DG RTD indicated that, by the end of 2015, 1 915 FP7 projects worth EUR 1,63 billion had still not been completed, which could delay the implementation of Horizon 2020;
32. Notes that establishing synergies between the research and innovation sector on the one hand, and the structural funds on the other, is in the European Union's interest;
33. Notes that the Commission should ensure that FP7 and national research funding is coherent with EU rules on state aid so as to avoid inconsistencies and duplications of funding; stresses that specific national characteristics should be taken into account;
34. Emphasises the importance of financial instruments in the area of research and innovation; highlights, with a view to research competitiveness, that the use of financial instruments for projects at higher technology readiness levels (TRL) can provide a sufficient return on public investment; points, in this context, to the fact that 'The Risk-Sharing Finance Facility (RSFF 2007-2013) offers loans and hybrid or mezzanine finance to improve access to risk finance for R&I projects; notes that the Union's 2007-2015 RSFF contribution of EUR 961 million supported activity accounting for over EUR 10,22 billion of an expected EUR 11,31 billion'; notes that the Risk-Sharing Instrument (RSI) for SMEs provided financing of over EUR 2,3 billion, to which the Union contributed EUR 270 million <sup>(1)</sup>; is of the opinion that these figures underscore the high interest of companies and other beneficiaries in risk finance;
35. Observes the need to better target FP7 financial instruments so as to ensure that newcomers with limited access to finance in the research and innovation field are supported;
36. Notes that certain measures recommended by the external auditor and/or the internal audit service of the Commission, namely two measures concerning the control systems for the supervision of external bodies, and three measures for the Participant Guarantee Fund, have not been included;
37. Suggests better communication of results in the Member States and information campaigns for the programme;

#### ***Future prospects under Horizon 2020***

38. Highlights the fact that, by the end of 2015, 198 calls with a submission deadline by that date had been published for Horizon 2020; in response to these calls, a total of 78 268 proposals were received, 10 658 of which were put on the main or reserve list; this means a success rate of around 14 %, taking into account only the eligible proposals; in the same period, 8 832 grant agreements were signed with beneficiaries, 528 of which were signed by DG RTD;

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<sup>(1)</sup> COM(2016)0675, pp. 18 and 19.

Tuesday 13 June 2017

39. Recognises that there were cost savings of EUR 551 million in FP7 compared with FP6, and that the Commission endeavoured to further simplify the implementation of Horizon 2020 compared with FP7; emphasises the importance of all policy areas, including structural funds, benefiting from simplification with a view to maintaining equal treatment of beneficiaries of European financial assistance;

40. Is pleased to note that DG RTD is trying to further reduce overhead costs by outsourcing contract management to executive agencies and other bodies; stresses in this context that, under Horizon 2020, 55 % of the budget will be managed by executive agencies;

41. Underlines that the great number of political actors, including Commission directorates-general, executive agencies, joint undertakings and Article-185 bodies, requires considerable coordination, the effectiveness of which is of prime importance;

42. Notes the difference of opinions between the EIT and the Commission on the one side, and the Court on the other, concerning legality of payments; is of the opinion that this dispute must not be solved to the detriment of beneficiaries who acted in good faith;

43. Welcomes the fact that under Horizon 2020:

- the programme structure is less complex and provides for interoperability among different parts,
- a single set of rules now applies,
- there is now one funding rate per project,
- indirect costs are covered by a flat rate (25 %),
- only the financial viability of project coordinators is checked,
- a more measurable performance approach was introduced,
- a single audit strategy applies to the R&I family,
- a single participant portal was created for managing grants and experts,
- grants, expert contracts and archiving are managed electronically;

44. Welcomes the creation of a Common Support Centre (CSC), which will help to coordinate and deliver the programme in an efficient and harmonised manner across seven Commission directorates-general, four executive agencies and six joint undertakings; notes that as of 1 January 2014 the CSC provides common services in the areas of legal support, ex-post auditing, IT systems and operations, business processes, programme information and data to all research DGs, executive agencies and joint undertakings implementing Horizon 2020;

45. Suggests that the role for the National Contact Points (NCP) should be increased in order to provide quality technical support on the ground; annual assessment of results, training and rewarding NCPs that perform effectively will increase the success rate of the Horizon 2020 programme;

46. Welcomes the fact that the share of Horizon 2020 funds allocated to small and medium-sized enterprises increased from 19,4 % in 2014 to 23,4 % in 2015 and recommends that this trend be proactively encouraged;

47. Considers it unacceptable that DG RTD has not complied with Parliament's request that the Commission's directorates-general should publish all their country specific recommendations in their annual activity reports;

Tuesday 13 June 2017

48. Calls on the Commission to take measures to ensure equal pay for researchers doing the same work within the same project and to provide a list, by nationality, of all the enterprises listed on the stock exchange and/or which show a profit in their annual statement of accounts and which receive funds from Horizon 2020;

49. Acknowledges that the new elements introduced in Horizon 2020 also reflect the observations made by the Court;

50. Recalls that a Ninth Research Framework Programme is under preparation; underlines the need to ensure that Horizon 2020's best practices are used in defining the programme; suggests more funding for innovation, which is economically efficient for the business sector, and greater flexibility between budgets of the different sub-programmes so as to avoid a lack of funding for those qualified as 'excellent';

### ***Repercussions for FP7 of the United Kingdom leaving the European Union***

51. Notes with respect the vote of the citizens of the United Kingdom of 23 June 2016, in which they expressed the political will to leave the European Union;

52. Welcomes the work of the UK House of Commons in evaluating the repercussions of this vote on the area of science and research <sup>(1)</sup>, and in seeking to keep the negative impact on European competitiveness to a minimum;

53. Points out that UK-based organisations received EUR 1,27 billion in grant funding calls in 2014, representing 15 % of the total, and EUR 1,18 billion in calls in 2015, representing 15,9 % of the total — the highest share of EU funding received by a Member State that year <sup>(2)</sup>;

### ***Conclusions***

54. Concludes that the Commission — overall — managed the FP7 cost effectively; notes that the programme also improved its efficiency despite the delays and repeated error rates in its implementation;

55. Welcomes the fact that the Court's concerns were taken into consideration;

56. Calls on the Commission to ensure that modernisations introduced under Horizon 2020, such as flat rates for indirect costs, a single audit strategy, single participant portal, etc., are applied in a similar way in other policy areas, e.g. structural funds; stresses that all grant beneficiaries should be treated fairly and equally;

57. Calls on the Member States to make an extra effort to meet the target of 3 % of GDP being invested in research; considers that this would boost excellence and innovation; calls on the Commission therefore to examine the possibility of proposing a Science Covenant at local, regional and national level, building on the dynamic already created by the Covenant of Mayors;

58. Is concerned that in their evaluation reports both agencies, the REA and the ERCEA, point out that the feedback loops and communication between the Commission and the executive agencies could be further improved;

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59. Instructs its President to forward this resolution to the governments and parliaments of the Member States, the European Court of Auditors and the Commission.

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<sup>(1)</sup> See report of the UK House of Commons, Science and Technology Committee of 16 November 2016.

<sup>(2)</sup> Horizon 2020 Monitoring Report 2015, p. 21 f.

Tuesday 13 June 2017

P8\_TA(2017)0247

**Statelessness in South and South East Asia****European Parliament resolution of 13 June 2017 on statelessness in South and South East Asia (2016/2220(INI))**

(2018/C 331/03)

*The European Parliament,*

- having regard to the provisions of UN Human Rights instruments, including those concerning the right to nationality, such as the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of Racial Discrimination, the 1954 Convention Relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families,
- having regard to other UN instruments on statelessness and the right to a nationality, such as the UN High Commissioner for Refugees (UNHCR) Executive Committee's Conclusion No. 106 on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons <sup>(1)</sup>, which was endorsed by UN General Assembly Resolution A/RES/61/137 of 2006,
- having regard to the UNHCR's Campaign to End Statelessness by 2024 <sup>(2)</sup> and the Global Campaign for Equal Nationality Rights supported by the UNHCR, UN Women and others, and endorsed by the UN Human Rights Council,
- having regard to UN Human Rights Council resolution of 15 July 2016 on human rights and arbitrary deprivation of nationality (A/HRC/RES/32/5),
- having regard to the Vienna Declaration and Programme of Action <sup>(3)</sup>, adopted by the World Conference on Human Rights on 25 June 1993,
- having regard to the General recommendation No. 32 from the Committee on the Elimination of Discrimination against Women (CEDAW) on the gender-related dimension of refugee status, asylum, nationality and statelessness of women <sup>(4)</sup>,
- having regard to the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration <sup>(5)</sup>,
- having regard to Article 3(5) of the Treaty on European Union, which states that 'in its relations with the wider world', the EU must contribute to the 'eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter',
- having regard to Council conclusions of 20 July 2015 on the EU Action Plan on Human Rights and Democracy 2015-2019 <sup>(6)</sup>,
- having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy of 25 June 2012 <sup>(7)</sup>,

<sup>(1)</sup> <http://www.unhcr.org/excom/exconc/453497302/conclusion-identification-prevention-reduction-statelessness-protection.html>

<sup>(2)</sup> <http://www.unhcr.org/protection/statelessness/54621bf49/global-action-plan-end-statelessness-2014-2024.html>

<sup>(3)</sup> <http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>

<sup>(4)</sup> <http://www.refworld.org/docid/54620fb54.html>

<sup>(5)</sup> [http://www.asean.org/wp-content/uploads/images/ASEAN\\_RTK\\_2014/6\\_AHRD\\_Booklet.pdf](http://www.asean.org/wp-content/uploads/images/ASEAN_RTK_2014/6_AHRD_Booklet.pdf)

<sup>(6)</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council\\_conclusions\\_on\\_the\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_2015\\_-\\_2019.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_the_action_plan_on_human_rights_and_democracy_2015_-_2019.pdf)

<sup>(7)</sup> [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/131181.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf)



**Tuesday 13 June 2017**

- having regard to the Council conclusions of 4 December 2015 on Statelessness <sup>(1)</sup>,
  - having regard to the Council conclusions of 20 June 2016 on an EU strategy vis-à-vis Myanmar/Burma <sup>(2)</sup>,
  - having regard to its resolution of 25 October 2016 on human rights and migration in third countries <sup>(3)</sup>,
  - having regard to its resolution of 7 July 2016 on Myanmar, in particular the situation of the Rohingya <sup>(4)</sup>,
  - having regard to its resolution of 12 March 2015 on the Annual Report on Human Rights and Democracy in the World 2013 and the European Union's policy on the matter <sup>(5)</sup>,
  - having regard to the Directorate-General for External Policies study of November 2014 entitled 'Addressing the Human Rights impact of statelessness in the EU's external action',
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A8-0182/2017),
- A. whereas the region of South Asia and Southeast Asia consists of the following countries — Afghanistan, Bangladesh, Bhutan, Brunei, Cambodia, India, Indonesia, Laos, Malaysia, the Maldives, Myanmar, Nepal, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand, East Timor and Vietnam — who are all Members or have observer status of either the Association of Southeast Asian Nations (ASEAN) or the South Asian Association for Regional Cooperation (SAARC);
- B. whereas the Universal Declaration of Human Rights (UDHR) affirms that all individuals are born equal in dignity and rights; whereas the right to a nationality and the right not to be arbitrarily deprived of one's nationality is enshrined in Article 15 of UDHR, as well as in other international human rights instruments; whereas, however, the international legal instruments have yet to achieve their primary objective of ensuring the right of every person to a nationality;
- C. whereas all human rights are universal, indivisible, interdependent and interrelated; whereas human rights and fundamental freedoms are birth rights of all human beings and their protection and promotion is the most important task of government;
- D. whereas the Convention on the Rights of the Child, which has been ratified by all South and Southeast Asia countries, stipulates that a child shall be registered immediately after birth and shall have the right to acquire a nationality; whereas it is estimated that half of the world's stateless persons are children and that many of them are stateless from birth;
- E. whereas the ASEAN Human Rights Declaration affirms that every person has the right to a nationality as prescribed by law and no person 'shall be arbitrarily deprived of his nationality, nor denied the right to change that nationality';
- F. whereas a stateless person is defined in the 1954 Convention Relating to the Status of Stateless Persons as someone 'who is not considered as a national by any State under operation of its law'; whereas the causes of statelessness can vary, and include but are not limited to: the succession and dissolution of states, in some cases events surrounding being forced to flee, migration and human trafficking, as well as: changes and gaps in nationality laws, the expiration of nationality through having lived outside of one's country for an extended period of time, arbitrary deprivation of

<sup>(1)</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04-council-adopts-conclusions-on-statelessness/>

<sup>(2)</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/06/20-fac-conclusions-myanmar-burma/>

<sup>(3)</sup> Texts adopted, P8\_TA(2016)0404.

<sup>(4)</sup> Texts adopted, P8\_TA(2016)0316.

<sup>(5)</sup> OJ C 316, 30.8.2016, p. 141.



Tuesday 13 June 2017

nationality, discrimination based on gender, race, ethnicity or other grounds, administrative and bureaucratic hurdles, including in obtaining or registering birth certificates; whereas most, if not all of these causes can be found in the cases of statelessness in South and South East Asia;

- G. whereas it is important to note that whether a person is stateless is a distinct question from whether they are a refugee; whereas most stateless people have never left the place in which they were born or have never crossed an international border;
- H. whereas statelessness is a multifaceted problem and leads to a wide range of human rights violations that include but are not limited to problems relating to birth certificates and other civil status documents, as well as other problems relating to property rights, exclusion from child health programmes and public school systems, business ownership, political representation and voting participation, access to social security and public services; whereas statelessness may contribute to human trafficking, arbitrary detention, violation of the freedom of movement, the exploitation and abuse of children and discrimination against women;
- I. whereas statelessness continues to receive limited international attention despite its very worrying global and regional human rights implications, and continues to be seen as an internal affair of states; whereas reducing and eventually abolishing statelessness should become a human rights priority at international level;
- J. whereas legislative gender discrimination, for example in acquiring or passing on nationality to one's child or spouse, is still present in South and Southeast Asia in countries such as Nepal, Malaysia and Brunei;
- K. whereas the UNHCR has estimated that 135 million children under the age of five across the region have not had their births registered and are at risk of becoming stateless;
- L. whereas the ending of statelessness will also lead to more democracy, as former stateless persons will be included in and be able to contribute to the democratic process;
- M. whereas the complex problem of statelessness remains on the outermost boundaries of international law and policy, although it is not a marginal issue;
- N. whereas statelessness undermines the development prospects of affected populations and the effective implementation of the 2030 Agenda for Sustainable Development;
- O. whereas the UNHCR's Global Action Plan to End Statelessness (2014-2024) aims to support governments in resolving the existing major situations of statelessness, to prevent new cases from emerging and to better identify and protect stateless populations; whereas Action 10 of the Action Plan also points to the need for improved qualitative and quantitative data on statelessness; whereas the EU has committed to actively support the Action Plan;
- P. whereas the Council Conclusions on the EU Action Plan on Human Rights and Democracy 2015-2019 affirm the importance of addressing the issue of statelessness in relations with priority countries and on focusing efforts on preventing the emergence of stateless populations as a result of conflict, displacement and the break-up of states;
- Q. whereas the EU Annual Report on Human Rights and Democracy in the World — Country and Regional Issues of 20 September 2016 affirms the EU's aim to increase the consistency, effectiveness and visibility of human rights in EU foreign policy and the aim to increase the profile of the EU's engagement with the UN and with regional human rights mechanisms to foster regional ownership and to promote the universality of human rights, and mentions specifically that this includes the launch of a first policy dialogue on human rights with the Association of Southeast Asian Nations' (ASEAN) human rights mechanisms;

**Tuesday 13 June 2017**

- R. whereas the EU has determined that it will place human rights at the centre of its relations with third countries;
- S. whereas statelessness promotes population movements, emigration and human trafficking, destabilising whole sub-regions;
- T. whereas many of the world's 10 million stateless persons reside in South and South East Asia, the Rohingya of Myanmar being the single largest stateless group in the world with over 1 million persons under the UNHCR's statelessness mandate, but large communities of stateless persons are also found in Thailand, Malaysia, Brunei, Vietnam, the Philippines and elsewhere; whereas stateless Tibetans live in countries such as India and Nepal; whereas some of these groups fall under the UNHCR's statelessness mandate, but others do not; whereas statistical coverage and reporting on stateless populations around the world is incomplete as not all countries keep statistics on this issue; whereas South and South East Asia have both protracted and unresolved cases, as well as cases where progress has been made;
- U. whereas progress has been made in South and Southeast Asia in recent years with amendments to nationality laws introducing adequate provisions to prevent statelessness and to allow stateless persons to acquire nationality; whereas these efforts need to be reinforced and the adopted laws must also be complied with in practice;
- V. whereas the Rohingya are one of the most persecuted minorities in the world, constitute one of its largest groups of stateless persons, and have been officially stateless since the 1982 Burmese Citizenship Law was enacted; whereas the Rohingya are unwanted by the Myanmar authorities and by neighbouring countries, although some of the latter host large refugee populations; whereas there are ongoing clashes in Rakhine State; whereas thousands of refugees who have made it across the border to Bangladesh are in desperate need of humanitarian assistance and are being forcibly pushed back, in violation of international law; whereas the Rohingya are fleeing a policy of collective punishment in Rakhine State, where security forces are mounting indiscriminate reprisal attacks, reportedly firing at villagers from helicopter gunships, torching homes, carrying out arbitrary arrests and raping women and girls; whereas to date domestic and international responses to the deterioration of human rights and the humanitarian crisis of the Rohingya have been largely insufficient and many tools to resolve the issue have not yet been explored;
- W. whereas the hundreds of thousands of so-called 'Biharis' were not treated as citizens of Bangladesh after the Bangladesh War of Independence, when Pakistan refused their repatriation; whereas, however, a number of court rulings since 2003 have confirmed that the Biharis are citizens of Bangladesh; whereas a large number of Biharis are still not fully integrated in Bangladeshi society and development programmes, and many have not been able to fully exercise their reconfirmed rights;
- X. whereas there are many other stateless groups in South and Southeast Asia; whereas, nonetheless, a number of positive developments have taken place in recent years, such as in Indonesia, which abolished gender discrimination in its nationality acquisition procedure and reformed its nationality law in 2006 so that Indonesian migrants that spend more than five years abroad can now no longer be deprived of their citizenship if such a loss of citizenship results in statelessness; in Cambodia, where birth registration has been made free of charge in the first 30 days after birth; in Vietnam, which in 2008 facilitated the naturalisation of anyone who had been a stateless resident living in Vietnam for over 20 years; and in Thailand, where following reform to nationality and civil registration laws, 23,000 stateless persons have acquired nationality since 2011;
- Y. whereas it is of the utmost importance that the governments and relevant authorities of all countries in the region fully comply with the principle of non-refoulement and protect refugees, in line with their international obligations and with international human rights standards;
- Z. whereas stateless groups should have access to humanitarian programmes providing health, food education and nutrition assistance;

Tuesday 13 June 2017

1. Is concerned about the millions of cases of statelessness all around the world, in particular in South and South East Asia, and expresses its solidarity with stateless persons;
2. Is extremely concerned about the situation of the Rohingya minority in Myanmar; is appalled at the reports of massive human rights violations and the continued repression and discrimination of the Rohingya and the failure to recognise them as part of Myanmar society, in what looks like a coordinated campaign of ethnic cleansing; stresses that the Rohingya have lived on the territory of Myanmar for many generations and are fully entitled to Myanmar citizenship, as they have held it in the past, and all the rights and obligations this encompasses; urges the government and authorities of Myanmar to restore Myanmar citizenship to the Rohingya minority; urges furthermore the immediate opening of Rakhine State for humanitarian organisations, international observers, NGOs and journalists; believes that impartial investigations will need to be organised with a view to holding perpetrators of human rights violations to account; believes furthermore that urgent measures are needed to prevent further acts of discrimination, hostility and violence against minorities or incitement to such acts; expects Nobel Peace Prize and Sakharov Prize laureate Ms Suu Kyi to use her various positions in the Myanmar Government to bring a resolution closer;
3. Regrets that the status of statelessness is in some cases exploited in order to marginalise specific communities and deprive them of their rights; believes that the legal, political and social inclusion of minorities is a key element of a democratic transition and that resolving statelessness issues would contribute to better social cohesion and political stability;
4. Draws attention to the fact that statelessness can cause significant humanitarian crises and reiterates that stateless persons should have access to humanitarian programmes; underlines the fact that statelessness often implies lack of access to education, health services, work, freedom of movement and security;
5. Is concerned about the lack of data on statelessness in South and Southeast Asia, with little to no data available for Bhutan, India, Nepal and East Timor, for example; is furthermore concerned that even when overall numbers are available, there is a lack of disaggregated data on women, children and other vulnerable groups, for instance; points out that this information deficit makes it more difficult to formulate targeted actions, including within the framework of the UNHCR campaign to end statelessness by 2024; strongly encourages the countries of South and South East Asia to produce reliable and public disaggregated data on statelessness;
6. Points out that there are also positive examples, such as the initiative from the Philippines in May 2016 to address the need for data on the scale and the situation of stateless children in the region; calls on the EU to offer its cooperation and support to comprehensively map statelessness and to identify projects to end statelessness in the region;
7. Is deeply concerned that the States of Brunei, Malaysia and Nepal have discriminatory legislation based on gender; stresses the need for a review of nationality law-related provisions, specifically in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
8. Welcomes the positive developments in the region and the efforts in the Philippines, Vietnam and Thailand, and encourages the countries in the region to work together and to share good examples and efforts in order to end statelessness in the entire region;
9. Recalls the post-statelessness situation in the region and the human rights principle of participation; promotes the inclusion of communities affected by statelessness and of formerly stateless people in development projects and planning; encourages governments and development projects to address post-stateless discrimination inspired by Article 4(1) of CEDAW aimed at accelerating de facto equality;
10. While acknowledging national sovereignty over matters such as citizenship, urges countries with stateless populations to take concrete steps towards resolving the issue of statelessness in line with the principles enshrined in the international conventions which they have all ratified, in particular the Convention on the Rights of the Child; notes the number of positive developments that have taken place in the region;

**Tuesday 13 June 2017**

11. Urges the Government of Bangladesh to commit to a clear roadmap allowing for the full implementation of the 1997 Chittagong Hill Tracts Peace Accord, thus allowing for the rehabilitation of displaced Jumma people who are currently living in India and stateless;

12. Strongly encourages states to implement the safeguard, which is enshrined in the 1961 Convention on the Reduction of Statelessness, that a person born in a state will also be granted nationality for that state if that person would otherwise be stateless;

13. Emphasises the connections between statelessness and social and economic vulnerability; urges governments in developing countries to prevent denial, loss or deprivation of nationality on discriminatory grounds, to adopt equitable nationality laws and to implement accessible, affordable and non-discriminatory nationality documentation procedures;

14. Welcomes the commitment of the Council in its conclusions on the EU Action Plan on Human Rights and Democracy 2015-2019 to address the issue of statelessness in relations with priority countries and, in addition, welcomes the commitment of the Council to strengthen its relationship with ASEAN; recommends that the focus of the efforts go beyond the emergence of stateless populations brought about by conflict, displacement and the break-up of states and also include other relevant aspects, such as statelessness as a result of discrimination as well as of a lack of birth and civil registration;

15. Recalls the action promised in the EU Action Plan on Human Rights and Democracy 2015-2019 on the development of a joint framework between the Commission and the European External Action Service (EEAS) for the purposes of raising issues of statelessness with third countries; stresses that the elaboration and dissemination of a formal framework would be an instrumental part of the European Union's support for the UNHCR goal to end statelessness in the world by 2024;

16. Calls on the EU to promote the development of global solutions to statelessness, together with specific regional or local strategies, as a 'one size fits all' approach will not be efficient enough to tackle statelessness;

17. Believes that the EU should more strongly highlight the major impact of statelessness on global issues such as the eradication of poverty, the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), the promotion of the rights of the child, and the need to address illegal migration and human trafficking;

18. Welcomes the adoption of Sustainable Development Goal 16.9, which foresees that legal identity and birth registration should be provided for all; regrets, however, that statelessness is not explicitly mentioned in the 2030 Agenda either as a ground for discrimination or as a poverty reduction target; calls for the EU and its Member States to consider including statelessness indicators in their monitoring and reporting mechanisms while implementing the SDGs;

19. Emphasises the importance of an effective communication strategy on statelessness in order to raise awareness on the issue; calls on the EU to communicate more and better on statelessness, in cooperation with the UNHCR, and through its delegations in the third countries concerned, and to focus on the human rights violations that have occurred as a consequence of statelessness;

20. Calls for the EU to develop a comprehensive strategy on statelessness based on two sets of measures; considers that the first set should deal with urgent situations and the second should define long-term measures to end statelessness; believes that the strategy should focus on a limited number of priorities and that the EU should take the lead in the event of urgent situations to raise awareness on statelessness at international level;

21. Stresses that the EU's comprehensive strategy on statelessness should be adaptable to specific situations faced by stateless people; stresses that, in order to define appropriate measures, a distinction needs to be made between statelessness that has occurred as a result of a lack of administrative capacity and statelessness that has occurred as a result of a discriminatory state policy against certain communities or minorities;

Tuesday 13 June 2017

22. Recommends that the Member States make it a priority to support the positive developments in addressing statelessness in South and Southeast Asia, and proposes a new comprehensive policy approach including:

- encouraging states to accede to the Statelessness Conventions by highlighting their benefits in the bilateral contacts between parliaments and ministries and at other levels;
- supporting ASEAN Sectoral Bodies and SAARC in supporting their respective Member States to further realise the right to a nationality and ending statelessness;
- highlighting the value of the Statelessness Conventions in multilateral fora;
- working with states to advocate the benefits of gathering intersectional, disaggregated and verifiable national data on stateless persons and those with undetermined nationality, as identifying stateless persons is the first step for the states concerned to take the necessary measures to end statelessness; the data collected will then be used for registration, documentation, the delivery of public services, the maintenance of law and order and development planning;
- consistently emphasising that birth registration needs to be free, easily accessible and undertaken on a non-discriminatory basis;
- consistently emphasising that national identity management regimes need to include and provide identity documentation to all persons on the territory, including hard-to-reach and marginalised groups who may be at risk of statelessness or lack a nationality;
- supporting South and Southeast Asia countries to ensure access to education to everyone, including stateless children, as statelessness is a significant obstacle that prevents children from being able to access equal education opportunities;
- encouraging the important role of innovative technology by using digital birth registration programs in order to improve registration and archiving records;
- addressing the issue of the content and application of nationality laws and the arbitrary deprivation or denial of the right to a nationality on the grounds of ethnicity, which is the major cause of statelessness in the region;
- encouraging states in the region to address the needs of women, and issues related to sexual and gender-based violence, through human rights and community-based approaches, particularly for victims of trafficking;
- addressing the issue of nationality laws and gender discrimination, as some countries make it difficult, or even impossible, for mothers to pass on their citizenship to their children;
- ensuring that all development projects and humanitarian aid for which the EU provides funding are set up so that addressing statelessness is included whenever relevant;
- building the capacity of relevant EU institutions and actors in order to understand, assess and programme and report on issues of statelessness, establishing regular reporting on the EU's achievements in the fight against statelessness, including by incorporating a section on statelessness into the EU's Annual Report on Human Rights and Democracy in the world;
- ensuring that statelessness, nationality and citizenship are appropriately covered in human rights and democracy country strategies, and that the latter are based on the principle that everyone, regardless of gender, race, colour, skin, faith or religion, national origin or belonging to a national or ethnic minority, is entitled to nationality; addressing the issue of statelessness during every political and human rights dialogue with the countries concerned;
- setting-up EU human rights guidelines on statelessness in order to provide concrete measurable objectives for the EU's efforts to eliminate statelessness worldwide;

**Tuesday 13 June 2017**

- increasing dialogue on statelessness in South and South East Asia with relevant regional and international organisations as well as with neighbours of the South and South East Asian countries and other active states in the region;
  - ensuring that participants in election observation missions are aware of statelessness issues where relevant;
  - highlighting the necessity of empowering regional human rights bodies so that they can play a more active role in identifying and eliminating statelessness;
  - reserving adequate funding in the Development Cooperation Instrument, European Development Fund and European Instrument for Democracy and Human Rights budgets for NGOs and other organisations working to reach stateless communities; promoting partnerships between civil society organisations and statelessness communities in order to empower them so they can fight for their rights;
  - encouraging coordination among countries for tackling statelessness, especially where it has cross-border effects, and including the exchange of best practices in implementing international standards on the fight against statelessness;
  - ensuring follow-up, such as awareness-raising and technical support for public administrations as a means of capacity-building, including at local level when there have been positive developments that need to be implemented in practice, such as in Thailand, the Philippines, Vietnam and Bangladesh, where the citizenship of the Biharis, including their voting rights, was restored;
23. Calls on the Governments of Brunei Darussalam, Malaysia and Nepal to combat the forms of gender discrimination present in their nationality laws and to promote children's right to a nationality;
24. Notes the link between statelessness and forced displacement, in particular in conflict-affected regions; recalls that at least 1,5 million stateless persons in the world are refugees or former refugees, including many young women and girls;
25. Recalls that statelessness in the world is largely unmapped and under-reported, and that existing data are based on different definitions; urges the international community to adopt a unified definition and to address the gaps in data collection for measuring statelessness in developing countries, notably by assisting local authorities in putting in place adequate methods to quantify, identify and register stateless persons, and to enhance their statistical capacities;
26. Invites the Commission to launch exchanges of good practice among Member States, encourages the active coordination of national statelessness contact points, and welcomes the #IBelong campaign;
27. Highlights the key role of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which require the establishment of legal frameworks for the identification and protection of stateless persons and for the prevention of statelessness and may serve as an important starting step for states wanting to make progress in addressing the problem of statelessness;
28. Welcomes the EU support to stateless persons in South and South East Asia through various instruments and encourages the Union to continue its efforts in order to address the impact of statelessness on development, peace and stability as an integral part of its development cooperation programmes and, more broadly, its external action;
29. Instructs its President to forward this resolution to the Council and the Commission, and to the governments of the Member States.
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Tuesday 13 June 2017

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**Cross-border mergers and divisions****European Parliament resolution of 13 June 2017 on cross-border mergers and divisions (2016/2065(INI))**

(2018/C 331/04)

*The European Parliament,*

- having regard to Articles 49, 54 and 153 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the sixth Council Directive 82/891/EEC of 17 December 1982 based on Article 54(3)(g) of the Treaty, concerning the division of public limited liability companies <sup>(1)</sup>,
- having regard to Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies <sup>(2)</sup>,
- having regard to Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) <sup>(3)</sup>,
- having regard to Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees <sup>(4)</sup>,
- having regard to Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community <sup>(5)</sup>,
- having regard to the Commission communication of 12 December 2012 entitled ‘Action Plan: European company law and corporate governance — a modern legal framework for more engaged shareholders and sustainable companies’ (COM(2012)0740),
- having regard to its resolution of 14 June 2012 on the future of European company law <sup>(6)</sup>,
- having regard to its resolution of 10 March 2009 with recommendations to the Commission on the cross-border transfer of the registered office of a company <sup>(7)</sup>,
- having regard to the Commission communication of 25 October 2016 entitled ‘Building a fair, competitive and stable corporate tax system for the EU’ (COM(2016)0682),

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<sup>(1)</sup> OJ L 378, 31.12.1982, p. 47.

<sup>(2)</sup> OJ L 310, 25.11.2005, p. 1.

<sup>(3)</sup> OJ L 294, 10.11.2001, p. 1.

<sup>(4)</sup> OJ L 294, 10.11.2001, p. 22.

<sup>(5)</sup> OJ L 80, 23.3.2002, p. 29.

<sup>(6)</sup> OJ C 332 E, 15.11.2013, p. 78.

<sup>(7)</sup> OJ C 87 E, 1.4.2010, p. 5.



Tuesday 13 June 2017

- having regard to the judgments of the Court of Justice of the European Union (CJEU) on freedom of establishment, in particular in the cases *SEVIC Systems AG* <sup>(1)</sup>, *Cadbury Schweppes plc & Cadbury Schweppes Overseas Ltd v Commissioners of Inland Revenue* <sup>(2)</sup>, *CARTESIO Oktató és Szolgáltató bt.* <sup>(3)</sup>, *VALE Építési kft.* <sup>(4)</sup>, *KA Finanz AG v Sparkassen Versicherung AG Vienna Insurance Group* <sup>(5)</sup>, *Kamer van Koophandel en Fabrieken voor Amsterdam v Inspire Art Ltd.* <sup>(6)</sup>, *Überseering BV v Nordic Construction Company Baumanagement GmbH (NCC)* <sup>(7)</sup>, *Centros Ltd v Erhvervs- og Selskabsstyrelsen* <sup>(8)</sup>, and *The Queen v H. M. Treasury and Commissioners of Inland Revenue, ex parte Daily Mail and General Trust plc.* <sup>(9)</sup>,
  - having regard to the Commission feedback statement of October 2015 containing a summary of responses to the public consultation on cross-border mergers and divisions conducted between 8 September 2014 and 2 February 2015 <sup>(10)</sup>,
  - having regard to the European Parliament Policy Department C: Citizens' Rights and Constitutional Affairs Study of June 2016 entitled 'Cross-border mergers and divisions, transfers of seat: is there a need to legislate?' <sup>(11)</sup>,
  - having regard to the European Parliamentary Research Service study of December 2016 entitled 'Ex-post analysis of the EU framework in the area of Cross-border mergers and divisions' <sup>(12)</sup>,
  - having regard to the Commission's 'Work Programme 2017 — Delivering a Europe that protects, empowers and defends', and Chapter II, Point 4 thereof (COM(2016)0710),
  - 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 Legal Affairs (A8-0190/2017),
- A. having regard to the significant effect on European competitiveness of a comprehensive reform of company law and the obstacles to full implementation of the Directive on cross-border mergers;
- B. whereas to date there is no European Union law on cross-border divisions of undertakings; whereas the current situation entails manifest procedural, administrative and financial difficulties for the businesses concerned, as well as the risk of abuses and dumping;
- C. whereas Parliament has strongly and continuously called for the introduction of a European law on cross-border transfers of the registered office or head office of undertakings; whereas the majority of stakeholders are broadly supportive of Parliament's requests;

<sup>(1)</sup> Case C-411/03, *SEVIC Systems AG*, 13.12.2005, ECLI:EU:C:2005:762.

<sup>(2)</sup> Case C-196/04, *Cadbury Schweppes Overseas Ltd v Commissioners of Inland Revenue*, 12.9.2006, ECLI:EU:C:2006:544.

<sup>(3)</sup> Case C-210/06, *CARTESIO Oktató és Szolgáltató bt.*, 16.12.2008, ECLI:EU:C:2008:723.

<sup>(4)</sup> Case C-378/10, *VALE Építési kft.*, 12.7.2012, ECLI:EU:C:2012:440.

<sup>(5)</sup> Case C-483/14, *KA Finanz AG v Sparkassen Versicherung AG Vienna Insurance Group*, 7.4.2016, ECLI:EU:C:2016:205.

<sup>(6)</sup> Case C-167/01, *Kamer van Koophandel en Fabrieken voor Amsterdam v Inspire Art Ltd.*, 30.9.2003, ECLI:EU:C:2003:512.

<sup>(7)</sup> Case C-208/00, *Überseering BV v Nordic Construction Company Baumanagement GmbH (NCC)*, 5.11.2002, ECLI:EU:C:2002:632.

<sup>(8)</sup> Case C-212/97, *Centros Ltd v Erhvervs- og Selskabsstyrelsen*, 9.3.1999, ECLI:EU:C:1999:126.

<sup>(9)</sup> Case C81/87, *The Queen v H. M. Treasury and Commissioners of Inland Revenue, ex parte Daily Mail and General Trust plc.*, 27.09.1988, ECLI:EU:C:1988:456.

<sup>(10)</sup> [http://ec.europa.eu/internal\\_market/consultations/2014/cross-border-mergers-divisions/docs/summary-of-responses\\_en.pdf](http://ec.europa.eu/internal_market/consultations/2014/cross-border-mergers-divisions/docs/summary-of-responses_en.pdf)

<sup>(11)</sup> PE 556.960, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556960/IPOL\\_STU\(2016\)556960\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556960/IPOL_STU(2016)556960_EN.pdf)

<sup>(12)</sup> PE 593.796.



Tuesday 13 June 2017

- D. whereas for the sake of improving companies' mobility within the EU, it is important that there is a common legal framework on companies' mergers, divisions and transfers operations;
- E. whereas not all Member States in which cross-border mergers and divisions or transfers of registered office or head office have occurred have rules which assign workers' rights to be consulted and informed and to engage in co-determination;
- F. whereas the transfer of a registered office should not circumvent legal, social and fiscal requirements laid down in the law of the European Union and of the Member States of origin but should rather have the aim of establishing a uniform legal framework which ensures the maximum transparency and simplification of procedures and which fights tax fraud;
- G. whereas the relevant EU *acquis* provides for a wide range of information, consultation and participation rights for workers; whereas Directive 2009/38/EC <sup>(1)</sup> and Directive 2005/56/EC guarantee cross-border workers' participation and lay down the principle of pre-existing rights; whereas it is considered that those workers' rights should also be protected in case of transfer of seat;
- H. whereas all new initiatives in European company law should be based on an in-depth evaluation and assessment of existing forms of company law, the relevant judgments of the CJEU on the cross-border mobility of companies, and on impact assessments reflecting the interests of all stakeholders, including shareholders, creditors, investors and workers, ensuring the principles of subsidiarity and proportionality;

### **Horizontal issues**

1. Draws attention to the importance of establishing a framework which regulates comprehensively the mobility of undertakings at European level in order to simplify the procedures and requirements applicable to transfers, divisions and mergers and to prevent abuses and fictitious transfers for the purposes of social or fiscal dumping;
2. Calls on the Commission to devote attention to the results of the public consultation conducted between 8 September 2014 and 2 February 2015 on the possible revision of Directive 2005/56/EC and the possible introduction of a legislative framework regulating cross-border divisions; recalls that the results of the consultation indicated that there was a certain consensus on the priorities for legislation on cross-border mergers and divisions in the objectives of boosting internal market and fostering workers' rights;
3. Considers it important that future legislative proposals on the mobility of undertakings should include provisions concerning maximum harmonisation — particularly regarding procedural standards, the rights of corporate governance players, and smaller players in particular, and the extension of applicability to all entities defined as companies or firms as referred to in Article 54 TFEU followed by other sectoral rules, such as rules on workers' rights;
4. Is of the opinion that new rules on mergers, divisions and transfers of seats should facilitate the mobility of companies within the Union, taking account of their business needs for restructuring in order to better use the opportunities of the internal market, and to facilitate undertakings' freedom of organisation, with due respect for workers' representation rights; draws attention, in this respect, to the importance of removing obstacles arising from conflicts of laws in order to determine the applicable national law; considers that the protection of labour rights could be addressed through various EU legal acts, in particular through a proposal for a directive on minimum standards for workers and on employees' participation in European forms of company law and in supervisory boards created under European law;

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<sup>(1)</sup> Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (OJ L 122, 16.5.2009, p. 28).

Tuesday 13 June 2017

### ***Cross-border mergers***

5. Stresses the positive effectiveness of Directive 2005/56/EC on cross-border mergers of limited liability companies, which has served to facilitate cross-border mergers between limited liability companies in the European Union — as shown by the official figures which attest to a significant increase in the number of cross-border mergers in recent years — and to reduce the associated costs and administrative procedures;

6. Considers it necessary to revise Directive 2005/56/EC in order to improve its implementation and to take into account recent developments in both the case law of the CJEU on freedom of establishment of companies and in European company law; considers that the future legislative proposal amending Directive 2005/56/EC should contain a fresh set of rules covering divisions of companies and should set out guidelines for further legislation on the mobility of companies;

7. Calls on the Commission to take into account the results of the consultation of October 2015, which show in particular that there is a need for maximum harmonisation of the criteria governing the impact of mergers on various stakeholders in businesses;

8. Considers it a priority that a more advanced set of rules be laid down for a series of actors and categories of corporate governance, and that those rules be reproduced for future common models on cross-border divisions and registered office or head office transfers; considers it essential to simplify cross-border merger procedures by means of a clearer definition of standards for the legal documentation — starting with the issues of shareholders' information and the collection of merger documents — and new digitisation practices, provided that the basic procedural standards and requirements set out in Directive 2005/56/EC (including the issuance of a pre-merger certificate and the scrutiny of legality in accordance with Articles 10 and 11 thereof) are maintained and that matters of public interest, such as legal certainty and the reliability of commercial registers are preserved;

9. Expects that the provisions concerning workers' rights will be framed in such a way as to prevent certain undertakings using the Directive on cross-border mergers with the sole aim of transferring their registered office or head office for abusive fiscal, social or legal reasons; stresses the importance of avoiding ambiguities in the application of national penalties for failure to respect legislation on workers' rights;

10. Considers it important to make improvements to certain essential aspects:

- the management of assets and liabilities;
- the method of valuing assets;
- the rules on creditors' protection;
- the date on which the period of creditors' protection begins and the duration of that period, in accordance with the principle of assignment of responsibility to the general meeting;
- the communication of company information, through the Member States' interconnected and standardised registers;
- the rights of minority shareholders;
- the establishment of minimum standards of information, consultation and co-determination of workers;
- certain specific exemptions from procedural requirements;

11. Attaches great importance to the protection of certain minority shareholders' rights, such as the right of inquiry into a merger, the right to compensation for a shareholder who relinquishes his holding on account of opposition to a merger, and the right to contest the fairness of the exchange ratio;

12. Supports the possibility of establishing expedited cross-border procedures in the event of consensus among all the shareholders, the absence of workers or the insignificance of any impact on creditors;

Tuesday 13 June 2017

***Cross-border divisions***

13. Recalls that Directive 82/891/EEC only regulates divisions of undertakings within a Member State; notes that, although specific cases involving divisions of undertakings between different Member States are rarer, as stated in the Commission's 2015 consultation, the figures on domestic divisions show a real need to establish a special EU framework for cross-border divisions; stresses that any new directive should not be used as a formal instrument for divisions in an undertaking for the purpose of forum shopping to avoid legal obligations under national law;

14. Calls on the Commission to consider the significant economic impact which would ensue from legislation governing cross-border divisions, such as the simplification of the organisational structure, better capacity for adjustment, and new opportunities on the internal market;

15. Notes the lengthy and complex procedures required for cross-border divisions at present, which are generally implemented in two stages: an initial domestic division and a subsequent cross-border merger; believes that introducing harmonised standards at EU level in the field of cross-border divisions would lead to a simplification of operations and a reduction of the costs and duration of the procedures;

16. Draws attention to the importance of removing obstacles arising from conflicts of laws in order to determine the applicable national law;

17. Recalls that in some Member States there is no ad hoc national legislation on how to perform cross-border divisions;

18. Considers that a future legislative initiative on cross-border divisions should draw on the principles and requirements listed in the context of the Directive on cross-border mergers:

- procedural questions and issues of simplification, including all the main company division methods that are currently practised (split-ups, spin-offs, hive-downs);
- the rights of creditors and minority shareholders, reasserting the principles of safeguarding and efficiency;
- compliance with the standards on participation and representation by, and safeguarding of, workers, with the aim of enhancing workers' protection, in particular protection against social dumping;
- accounting issues;
- assets and liabilities;
- the harmonisation of rules and procedures, for example: rights attached to shares, requirements regarding registration and communication between business registers, date of completion of the transaction, minimum content of the terms of division, majority rules and a body with the power to monitor the regularity and legality of the transaction;

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19. Instructs its President to forward this resolution to the Council, the Commission and the European Economic and Social Committee.

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Tuesday 13 June 2017

P8\_TA(2017)0253

## Assessment of Horizon 2020 implementation

### European Parliament resolution of 13 June 2017 on the assessment of Horizon 2020 implementation in view of its interim evaluation and the Framework Programme 9 proposal (2016/2147(INI))

(2018/C 331/05)

*The European Parliament,*

- having regard to Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) <sup>(1)</sup>,
- having regard to Council Regulation (Euratom) No 1314/2013 of 16 December 2013 on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation <sup>(2)</sup>,
- having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) <sup>(3)</sup>,
- having regard to Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) <sup>(4)</sup>,
- having regard to Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology <sup>(5)</sup>,
- having regard to Decision No 1312/2013/EU of the European Parliament and of the Council of 11 December 2013 on the Strategic Innovation Agenda of the European Institute of Innovation and Technology (EIT): the contribution of the EIT to a more innovative Europe <sup>(6)</sup>,
- having regard to Council Regulations (EU) No 557/2014, 558/2014, 559/2014, 560/2014 and 561/2014 of 6 May 2014 <sup>(7)</sup> and Council Regulations (EU) No 642/2014 <sup>(8)</sup> and 721/2014 <sup>(9)</sup> of 16 June 2014 establishing the Joint Undertakings funded under Horizon 2020,
- having regard to Decisions No 553/2014/EU, 554/2014/EU, 555/2014/EU and 556/2014/EU of the European Parliament and of the Council of 15 May 2014 <sup>(10)</sup> establishing the Article 185 P2Ps funded under Horizon 2020,
- having regard to the Issue papers of 3 February 2017 for the High Level Group on maximising the impact of EU research and innovation programmes <sup>(11)</sup>,
- having regard to the Commission Horizon 2020 Monitoring Reports 2014 and 2015,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 104.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 948.

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 81.

<sup>(4)</sup> OJ L 347, 20.12.2013, p. 965.

<sup>(5)</sup> OJ L 347, 20.12.2013, p. 174.

<sup>(6)</sup> OJ L 347, 20.12.2013, p. 892.

<sup>(7)</sup> OJ L 169, 7.6.2014, pp. 54-178.

<sup>(8)</sup> OJ L 177, 17.6.2014, p. 9.

<sup>(9)</sup> OJ L 192, 1.7.2014, p. 1.

<sup>(10)</sup> OJ L 169, 7.6.2014, pp. 1-53.

<sup>(11)</sup> [http://ec.europa.eu/research/evaluations/pdf/hlg\\_issue\\_papers.pdf](http://ec.europa.eu/research/evaluations/pdf/hlg_issue_papers.pdf)

Tuesday 13 June 2017

- having regard to the report from the Commission to the Council and the European Parliament entitled ‘The European Research Area: time for implementation and monitoring progress’ (COM(2017)0035),
- having regard to the Commission communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘European Defence Action Plan’ (COM(2016)0950),
- 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 entitled ‘Implementation of the strategy for international cooperation in research and innovation’ (COM(2016)0657),
- 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 ‘European Cloud Initiative — Building a competitive data and knowledge economy in Europe’ (COM(2016)0178) and the accompanying Commission staff working document (SWD(2016)0106),
- 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 ‘On the Response to the Report of the High Level Expert Group on the Ex Post Evaluation of the Seventh Framework programme’ (COM(2016)0005),
- having regard to the report from the Commission to the European Parliament and the Council entitled ‘Annual Report on Research and Technological Development Activities of the European Union in 2014’ (COM(2015)0401),
- having regard to the Commission reports of 2014 and 2015 entitled ‘Integration of Social Sciences and Humanities in Horizon 2020: participants, budgets and disciplines’,
- having regard to the Commission staff working document entitled ‘Better regulations for innovation-driven investment at EU level’ (SWD(2015)0298),
- having regard to the Commission communication to the Council and the European Parliament entitled ‘European Research Area: Progress Report 2014’ (COM(2014)0575),
- 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 ‘Research and innovation as sources of renewed growth’ (COM(2014)0339),
- having regard to the Commission staff working document entitled ‘Second Situation Report on Education and Training in the Nuclear Energy Field in the European Union’ (SWD(2014)0299),
- having regard to the Commission staff working document entitled ‘FET Flagships: A novel partnering approach to address grand scientific challenges and to boost innovation in Europe’ (SWD(2014)0283),
- 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 entitled ‘Second Interim Evaluation of the Clean Sky, Fuel Cells and Hydrogen and Innovative Medicine Initiative Joint Technology Initiatives Joint Undertakings (COM(2014)0252),
- having regard to the Opinion of the European Economic and Social Committee on the Role and effect of JTIs and PPPs in implementing Horizon 2020 for sustainable industrial change <sup>(1)</sup>,

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<sup>(1)</sup> OJ C 34, 2.2.2017, p. 24.

**Tuesday 13 June 2017**

- having regard to its resolution of 16 February 2017 on the European Cloud Initiative <sup>(1)</sup>,
  - having regard to its resolution of 14 March 2017 on EU Funds for Gender Equality <sup>(2)</sup>,
  - having regard to its resolution of 6 July 2016 on synergies for innovation: the European Structural and Investment Funds, Horizon 2020 and other European innovation funds and EU programmes <sup>(3)</sup>,
  - having regard to its resolution of 13 September 2016 on Cohesion Policy and Research and Innovation Strategies for Smart Specialisation (RIS3) <sup>(4)</sup>,
  - 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 Industry, Research and Energy and the opinions of the Committee on Budgets, the Committee on Regional Development and the Committee on Women's Rights and Gender Equality (A8-0209/2017),
- A. whereas Horizon 2020 is the EU's largest centrally managed R&I programme, and the world's largest publicly funded R&I programme;
- B. whereas, in negotiating Horizon 2020 and the current Multiannual Financial Framework (MFF), Parliament asked for EUR 100 billion, rather than the EUR 77 billion initially agreed; whereas the budget seems very limited if Horizon 2020 is to fully explore excellence potential and adequately respond to the societal challenges currently faced by European and global society;
- C. whereas the report of the High Level Group on maximising impact of EU Research and Innovation Programmes and the interim evaluation planned for the third quarter of 2017 will lay the foundations for the structure and content of FP9, on which a proposal will be published in the first half of 2018;
- D. whereas the economic and financial crisis was a determining factor in the design of Horizon 2020; whereas emerging challenges, new political and socio-economic paradigms and continuing global trends are likely to shape the next Framework Programme (FP);
- E. whereas the FP must be founded on European values, scientific independence, openness, diversity, high European ethical standards, social cohesion and equal access by citizens to the solutions and answers it provides;
- F. whereas investments in R&D are essential for European economic and social development and global competitiveness; whereas the importance of excellent science for fostering innovation and long-term competitive advantages needs to be reflected in the funding of FP9;

### ***Structure, philosophy and implementation of Horizon 2020***

1. Considers that, more than three years after the launch of Horizon 2020, it is time for Parliament to develop its position on its interim evaluation and a vision of the future FP9;

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0052.

<sup>(2)</sup> Texts adopted, P8\_TA(2017)0075.

<sup>(3)</sup> Texts adopted, P8\_TA(2016)0311.

<sup>(4)</sup> Texts adopted, P8\_TA(2016)0320.

Tuesday 13 June 2017

2. Recalls that the objective of Horizon 2020 is to contribute to building a society and an economy based on knowledge and innovation, and to strengthen the scientific and technological base and ultimately the competitiveness of Europe by leveraging additional national R&D funding, both public and private, and by helping to attain the target of 3 % of GDP for R&D by 2020; regrets that the EU invested only 2,03 % of GDP in R&D in 2015, with the individual figures for different countries ranging from 0,46 % to 3,26 %<sup>(1)</sup>, while major global competitors are outperforming the EU on R&D expenditure;
3. Recalls that the European Research Area (ERA) faces direct competition with the world's top-performing research regions and that the strengthening of the ERA is therefore a collective European duty; encourages the relevant Member States to contribute adequately to meeting the target of 3 % of EU GDP for R&D; notes that an overall increase to 3 % would bring an extra amount of more than EUR 100 billion per year for research and innovation in Europe;
4. Stresses that the evaluation of FP7 and monitoring of Horizon 2020 show that the EU FP for research and innovation is a success and brings clear added value to the EU<sup>(2)</sup>; recognises there are still possibilities to improve the FP and future programmes;
5. Considers that the reasons for its success are the multidisciplinary and collaborative setting and the excellence and impact requirements;
6. Understands that the FP intends to incentivise industry participation in order to increase R&D spending by industry<sup>(3)</sup>; notes that industry participation, including SMEs, is significantly higher than in FP7; recalls, however, that on average industry has not sufficiently increased its share of R&D spending as agreed in the Barcelona Council conclusions<sup>(4)</sup>; asks the Commission to assess the European added value and relevance to the public of funding for industry-driven instruments such as Joint Technology Initiatives (JTIs)<sup>(5)</sup>, as well as the coherence, openness and transparency of all joint initiatives<sup>(6)</sup>;
7. Notes that the programme budget, management and implementation is spread over 20 different EU bodies; queries whether this results in excessive coordination efforts, administrative complexity and duplication; calls on the Commission to work towards streamlining and simplifying this;
8. Notes that Pillars 2 and 3 are mainly focused on higher Technology Readiness Levels (TRLs), which could limit the future absorption of disruptive innovations that are still in the pipeline of research projects with lower TRLs; calls for a careful balance of TRLs in order to promote the entire value chain; considers that TRLs may exclude non-technological forms of innovation generated by fundamental or applied research, particularly from social sciences and humanities (SSH);
9. Calls on the Commission to offer a balanced mix of small, medium and large-sized projects; notes that the average budget for projects has increased under Horizon 2020 and that larger projects are more onerous as regards preparation of the proposal and project management, which favours participants with greater experience with FPs, creates barriers for newcomers and concentrates funding in the hands of a limited number of institutions;

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<sup>(1)</sup> EPRS study of February 2017 entitled 'Horizon 2020, the EU framework programme for research and innovation. European Implementation Assessment'.

<sup>(2)</sup> With over 130 000 proposals received, 9 000 grants signed, 50 000 participations and EUR 15,9 billion of EU funding.

<sup>(3)</sup> Two-thirds of the 3 % of GDP for R&D should come from industry. See Eurostat private R&D expenditure: <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tsc00031&plugin=1>

<sup>(4)</sup> [http://ec.europa.eu/invest-in-research/pdf/download\\_en/barcelona\\_european\\_council.pdf](http://ec.europa.eu/invest-in-research/pdf/download_en/barcelona_european_council.pdf)

<sup>(5)</sup> In total, the seven JTIs account for more than EUR 7 billion of the Horizon 2020 funds, approximately 10 % of the whole Horizon 2020 budget and more than 13 % of the actual available funding for Horizon 2020 calls (approximately EUR 8 billion per year over seven years).

<sup>(6)</sup> See Council conclusions of 29 May 2015.



Tuesday 13 June 2017

### **Budget**

10. Stresses that the current alarmingly low success rate of less than 14 % <sup>(1)</sup> represents a negative trend compared to FP7; emphasises that oversubscription makes it impossible to make funding available for a large number of very high-quality projects and regrets that the cuts inflicted by the European Fund for Strategic Investments (EFSI) have deepened this problem; calls on the Commission to avoid making further cuts to the Horizon 2020 budget;

11. Highlights the budgetary pressures facing the Union's Framework Programmes for Research and Innovation; regrets the adverse effect that the payment crisis in the EU budget had on the implementation of the programme during the first years of the current MFF; notes, inter alia, the artificial delay amounting to EUR 1 billion worth of calls in 2014 and the significant reduction in the level of pre-financing for the new programmes; highlights in this context that, in accordance with Article 15 of the MFF Regulation, a frontloading of resources was implemented in 2014-2015 for Horizon 2020; underlines that this frontloading was fully absorbed by the programme, demonstrating its strong performance and capacity to absorb even more; emphasises that this frontloading does not change the overall financial envelope of the programmes, leading to fewer appropriations respectively for the second half of the MFF; calls on the two arms of the budgetary authority and the Commission to ensure an adequate level of payment appropriations in the upcoming years and to make every effort to prevent a new payment crisis towards the last years of the current MFF;

12. Stresses that Horizon 2020 must be primarily grant-based and geared towards funding fundamental and collaborative research in particular; insists that research may be a high risk investment for investors and that funding research through grants is a necessity; emphasises, in this connection, that in any case many public bodies are legally excluded from accepting loans; regrets the tendency, in some cases, to move away from grants and towards the use of loans; recognises that financial instruments should be available for high TRL, close to market activities as part of InnovFin financial instruments, and outside of the FP (e.g. EIB, EIF schemes);

13. Underlines the fact that several Member States are not respecting their national R&D investment commitments; stresses that the 3 % of GDP target needs to be met and hopes that this target can be raised to the level of the EU's largest global competitors as soon as possible; calls on the Commission and the Member States, therefore, to drive national strategies to reach that objective and calls for the earmarking of parts of the Structural Funds for R&D activities and programmes, especially investments in capacity-building, research infrastructure and salaries, as well as supporting activities for the preparation of FP proposals and project management;

### **Evaluation**

14. Confirms that 'excellence' should remain the essential evaluation criterion across all three pillars of the FP, while noting the existing 'impact' and 'quality and efficiency of the implementation' criteria, which might help to indicate a project's added value to the EU; invites the Commission, therefore, to explore ways to take into consideration under the 'impact' and 'quality and efficiency of the implementation' criteria: the lack of involvement of the underrepresented EU regions, the inclusion of the underrepresented fields of science, such as SSH, and the exploitation of research infrastructure financed by European Structural and Investment Funds (ESIF), which seem to be important for the successful implementation of the ERA and for providing synergies between FPs and ESIF;

15. Calls for better and more transparent evaluation and quality assurance by the evaluators; stresses the need to improve the feedback given to participants throughout the evaluation process and urges that complaints made by unsuccessful applicants that the Evaluation Summary Reports (ESRs) lack depth and clarity on what should be done differently in order to succeed be taken into consideration; calls on the Commission, therefore, to publish, in conjunction with the call for proposals, detailed evaluation criteria, to provide participants with more detailed and informative ESRs and to organise calls for proposals in such a way as to avoid excessive oversubscription, which badly affects researchers' motivation and the reputation of the programme;

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<sup>(1)</sup> EPRS study of February 2017 entitled 'Horizon 2020 EU framework programme for research and innovation — European Implementation Assessment'.



Tuesday 13 June 2017

16. Calls on the Commission to provide a broader definition of ‘impact’, considering both economic and social effects; stresses that the assessment of the impact of fundamental research projects should remain flexible; asks the Commission to maintain the balance between bottom-up and top-down calls and to analyse which evaluation procedure (one or two stage) is more useful to avoid oversubscription and to conduct quality research;

17. Calls on the Commission to assess to what extent a more precise thematic focus would make sense in the context of sustainability;

18. Calls on the Commission to make the participant portal more readily available and to extend the network of National Contact Points, providing it with more resources, so as to ensure an efficient service for micro and small enterprises in particular during project submission and evaluation;

19. Considers that the European Research Council should engage in more collaboration projects across Europe, and in particular take on board low-capacity regions and institutions in order to disseminate EU R&I policy and know-how all over EU;

### ***Cross-cutting issues***

20. Notes that the Horizon 2020 structure and societal challenges approach in particular are broadly welcomed by stakeholders; calls on the Commission to continue to enhance the societal challenges approach and emphasises the importance of collaborative research involving universities, research organisations, industry (especially SMEs), and other actors; asks the Commission to consider assessing the adequacy and individual budgets of the societal challenges on the basis of the current economic, social and political context during FP implementation and in close cooperation with the European Parliament;

21. Acknowledges the Commission’s efforts to streamline the administration and reduce the time between the publication of a call and allocation of a grant; calls on the Commission to continue its endeavours to cut red tape and simplify administration; welcomes the Commission’s proposal to introduce lump sum payments in order to simplify administration and auditing;

22. Calls on the Commission to assess whether the simplified funding model introduced for Horizon 2020 has, as intended, led to increased industry involvement; calls, in this connection, for the effectiveness of the funding model to be assessed;

23. Calls on the Commission to assess to what extent the use of national or specific accounting systems instead of the system specified in the rules governing participation in the programme could make for a significantly simplified accounting procedure and thus reduce the error rate in connection with the auditing of European funding projects; calls, in this connection, for closer cooperation with the European Court of Auditors and for the introduction of a ‘one-stop audit’;

24. Notes that synergies between funds are crucial to make investments more effective; stresses that RIS3 are an important tool to catalyse synergies setting out national and regional frameworks for R&D&I investments and, as such, should be promoted and reinforced; regrets the presence of substantial barriers to making synergies fully operational<sup>(1)</sup>; seeks, therefore, an alignment of rules and procedures for R&D&I projects under ESIF and FP, and notes that an effective use of the Seal of Excellence scheme will only be possible if the above conditions are met; calls on the Commission to earmark part of ESIF for RIS3 synergies with Horizon 2020; calls on the Commission to revise the State Aid rules and to allow R&D structural fund projects to be justifiable within the FP rules of procedure, while at the same time guaranteeing their

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<sup>(1)</sup> Large research infrastructure fits within the scope and goals of the ERDF, but ERDF funds allocated nationally cannot be used to co-finance it; construction costs associated with new research infrastructures are eligible under the ERDF, but operational and staff costs are not.

**Tuesday 13 June 2017**

transparency; calls on the Commission and the Member States to ensure the correct application of the principle of additionality, which in practice means that the contributions of European funds should not replace the national or equivalent expenditure by a Member State in the regions where this principle applies;

25. Notes that the successful implementation of the ERA requires full usage of the R&D&I potential of all Member States; recognises the problem of the participation gap in the Horizon 2020 programme, which must be addressed both at EU and national level, including through ESIF; calls on the Commission and the Member States to adapt existing tools or to adopt new measures to bridge this gap, by, for example, the development of networking tools for researchers; welcomes the Spreading Excellence and Widening Participation policy; calls on the Commission to assess whether the three widening instruments have achieved their specific objectives: to provide an adequate budget and a balanced set of instruments that address existing disparities in the EU in the field of research and innovation; calls on the Commission and Member States to come forward with clear rules enabling the full implementation of the Seal of Excellence scheme and to explore funding synergies; asks the Commission to create mechanisms enabling the inclusion in FP projects of research infrastructure financed through ESIF; calls for the indicators used to define 'underrepresented' countries and regions to be reviewed and for the list of those countries and regions to be regularly verified during implementation of the FP;

26. Notes that according to the Commission's annual reports on Horizon 2020 implementation for 2014 and 2015, the EU-15 received 88,6 % of the funds while the EU-13 received just 4,5 % — a figure even less than the funding for association countries (6,4 %);

27. Welcomes efforts to secure better links between the ERA and the European Higher Education Area, with a view to facilitating ways of training the next generation of researchers; recognises the importance of incorporating STEM, research and entrepreneur skills into Member States' education systems from an early stage in order to encourage young people to develop these skills, as R&D should be viewed in structural rather than cyclical or temporal terms; calls on the Member States and the Commission to enhance employment stability and attractiveness for young researchers;

28. Stresses the importance of closer cooperation between industry and the university and scientific establishment, so as to facilitate the creation of dedicated structures within universities and scientific centres for the purpose of forging closer links with the production sector;

29. Stresses that global cooperation is an important means of strengthening European research; confirms that international participation fell from 5 % in FP7 to 2,8 % in Horizon 2020; recalls that the FP should contribute to ensuring that Europe remains a key global player, while underlining the importance of science diplomacy; calls on the Commission to review the terms of international cooperation in FP and to establish concrete, immediate measures and a long-term strategic vision and structure to support this objective; welcomes, in this regard, initiatives such as BONUS and PRIMA;

30. Underlines the need to strengthen international cooperation within FP9 and to spread science diplomacy.

31. Recalls that SSH integration means SSH research in interdisciplinary projects and not an ex-post add-on to otherwise technological projects, and that the most pressing problems faced by the EU require methodological research that is more conceptually focused on SSH; notes that SSH are underrepresented in the current Framework Programme; calls on the Commission to strengthen the possibilities for SSH researchers to participate in the interdisciplinary FP projects and to provide sufficient funding for SSH topics;

32. Highlights the balance of research and innovation within the Horizon 2020 programme and calls for a similar approach to be taken in the next FP; welcomes the creation of EIC <sup>(1)</sup>, but insists that this should not lead to the separation of research from innovation or to further fragmentation of funding yet again; underlines that Horizon 2020 is not sufficiently focused on bridging the 'valley of death', which constitutes the main barrier to turning prototypes into production;

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<sup>(1)</sup> Commission communication entitled 'Europe's next leaders: the Start-up and Scale-up Initiative' (COM(2016)0733).

Tuesday 13 June 2017

33. Calls on the Commission to clarify the objectives, instruments and functioning of the EIC and stresses the need to evaluate the EIC pilot results; calls on the Commission to propose a balanced mix of instruments for the EIC portfolio; stresses that the EIC should under no circumstances become a replacement for Pillar 2 and that Pillar 2 should not develop into an individual supporting instrument but rather should continue to focus on collaborative research; underlines the need to retain and strengthen the SME Instrument and the Fast Track to Innovation; invites the Commission to design mechanisms to better include SMEs in larger interdisciplinary FP9 projects in order to harness their full potential; calls on the Commission to keep KICs in the current EIT structure, stressing the importance of transparency and extensive stakeholder involvement, and to analyse how EIT and KICs may interact with the EIC; asks the Commission to design a framework for private venture capital investments in cooperation with the EIC, so as to encourage venture capital investments in Europe;

34. Welcomes initiatives which bring the private and public sectors together to stimulate research and innovation; stresses the need for enhanced EU leadership in prioritising public research needs and for sufficient transparency, traceability and a fair level of public return on investment of Horizon 2020 in terms of affordability, availability and the suitability of end products, and particularly in some sensitive areas such as health, safeguarding the public interest and equitable social impact; calls on the Commission to further explore mechanisms, especially with a view to the long-term exploitation of all projects funded by grants provided by the FP, combining a fair public return and incentives for industry participation;

35. Welcomes the fact that Open Access is now a general principle under Horizon 2020; draws attention to the fact that the substantial number of publications linked to Horizon 2020 projects up to December 2016 <sup>(1)</sup> shows that new policies on enforcing the sharing of data and knowledge are required in order to maximise research results and the amount of scientific data available; calls on the Commission to review the flexibility criteria that could be a barrier to that objective, and to increase knowledge and development;

36. Welcomes the Open Research Data pilot funding as a first step towards the Open Science Cloud; recognises the relevance and potential of e-infrastructures and supercomputing, the need for the involvement of public and private sector stakeholders and civil society, and the importance of citizen science in ensuring that society plays a more active part in defining and addressing the problems and in jointly putting forward the solutions; calls on the Commission and the public and private research community to explore new models that integrate private cloud and networking resources and public e-infrastructures and the launch of citizen agendas in science and innovation;

37. Welcomes the Commission's newly introduced concept of innovation hubs, which further strengthen the European innovation landscape by supporting firms, and SMEs in particular, in enhancing their business models and production processes;

38. Encourages the NCPs to be more involved in promoting projects awarded the Seal of Excellence, and in assisting in the search for other sources of public or private funding, whether national or international, for those projects, by strengthening the cooperation in this field within the network of NCPs;

#### **FP 9 recommendations**

39. Believes that the EU has the potential to become a world-leading global centre for research and science; believes, furthermore, that in order to promote growth, jobs and innovation to this end, FP9 has to become a top priority for Europe;

40. Welcomes the success of Horizon 2020 and the 1:11 leverage factor; calls on the Commission to propose an increased overall budget of EUR 120 billion for FP9; considers that beyond the budget increase, a framework incorporating innovation is needed and calls on the Commission, therefore, to clarify the concept of innovation and its different types;

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<sup>(1)</sup> OpenAIRE report: In Horizon 2020, 2 017 out of a total number of 10 684 projects (19 %) have been completed, while 8 667 are ongoing. OpenAIRE identified 6 133 publications linked to 1 375 Horizon 2020 projects.

**Tuesday 13 June 2017**

41. Notes that the EU faces numerous significant and dynamic challenges and calls on the Commission, in conjunction with the European Parliament, to provide in Pillar 3 a balanced and flexible set of instruments responding to the dynamic nature of emerging problems; underlines the need to provide a sufficient budget for the specific challenges in Pillar 3, as well as the need for regular revision of the adequacy of those challenges;

42. Calls on the Commission to retain a balance between fundamental research and innovation within FP9; notes the need to strengthen collaborative research; underlines the importance of better involvement of SMEs in collaborative projects and innovation;

43. Encourages the Commission to enhance synergies between FP9 and other dedicated European funds for research and innovation, and to establish harmonised instruments and aligned rules for those funds, both at a European and national level, and in close cooperation with the Member States; calls on the Commission to continue to take into account in future FPs the important role which standardisation plays in the context of innovations;

44. Notes that FP9 should tackle the possible problem of oversubscription and low success rates faced of Horizon 2020; suggests that the reintroduction of the two stage evaluation procedure be considered, with a unified first stage and specified second stage dedicated to the selected applicants; calls on the Commission to ensure sufficiently comprehensive ESRs with indications on how the proposal could be improved;

45. Stresses that European added value must remain an undisputed core component of the framework research programme;

46. Calls on the Commission to separate defence research from civil research in the next MFF, providing two different programmes with two separate budgets that do not affect the budgetary ambitions of civilian research of FP9; calls on the Commission, therefore, to present to Parliament the possible ways for financing the future defence research programme in accordance with the Treaties, with a dedicated budget with fresh resources and specific rules; highlights the importance of parliamentary oversight in this respect;

47. Considers that the Future and Emerging Technologies programme has great potential for the future and represents a good tool for spreading innovative ideas and know-how at national and regional levels;

48. Underlines the need, in the context of the Paris Agreement and the EU's climate objectives, to prioritise funding for climate change research and climate data collection infrastructure — particularly as the United States is considering significant budgetary cuts to US environmental research institutions;

49. Stresses that FP9 for R&I should strengthen societal progress and the competitiveness of the EU, creating growth and jobs and bringing new knowledge and innovations in order to tackle the crucial challenges faced by Europe, as well as delivering further progress towards developing a sustainable ERA; welcomes in this respect the current pillar structure of the FP and calls on the Commission to retain this structure for the sake of continuity and predictability; asks the Commission therefore to continue work on coherence, simplification, transparency and clarity of the programme, on improving the evaluation process, reducing fragmentation, duplication and avoiding unnecessary administrative burdens;

50. Recognises that administrative tasks and research to a large extent cancel each other out; stresses, therefore, the importance of keeping reporting obligations to a minimum in order to prevent red tape from obstructing innovation and to ensure an effective use of FP9 funding, while also ensuring the autonomy of research; encourages the Commission to intensify its efforts on simplification to this end;

51. Notes that the Commission is referring increasingly frequently to output-based support; calls on the Commission to define 'output' more precisely;

Tuesday 13 June 2017

52. Calls on the Commission and the Member States to increase synergies between FP and other funds and to tackle the problem of research deficiencies faced by convergence regions in some Member States, in application of the principle of additionality; regrets that financial allocations from the Structural and Investment Funds can lead to a reduction in national R&D spending in regions where those funds apply, and insists that these must be additional to national public expenditure; calls also on the Commission and the Member States to ensure that public funding for R&I is considered an investment in the future rather than a cost;

53. Notes that effective investment in research and innovation under the Structural Funds is only possible if the groundwork has been properly laid in the Member States; calls, therefore, for closer linkage between country-specific recommendations for structural reforms and investments in R&I;

54. Underlines the need for new higher excellence centres and regions and the importance of continuing to develop the ERA; stresses the need to provide more synergies between FP, EFSI and ESIF in order to achieve this goal; calls for policies to remove barriers such as lower salaries that are faced by Eastern and Southern countries in order to avoid brain drain; calls for the excellence of the project to be prioritised over the excellence of leading 'elite' institutions;

55. Takes the view that there is a need to include stronger incentives to use ESI funds for R&I investments where there are country-specific recommendations to that effect or where weaknesses are identified; concludes that the ESI Funds for R&I investments will deliver EUR 65 billion in the period 2014- 2020; proposes, therefore, that the established ESI Funds performance reserve in the Member States is used to invest a substantial proportion of the revenue from the Structural Funds in R&I;

56. Welcomes the principle and the potential of the Seal of Excellence, as a quality label for synergies between ESI Funds and Horizon 2020, but notes that it is insufficiently applied in practice, caused by the lack of finance in the Member States; believes that projects — that have been submitted for funding under Horizon 2020, passed stringent selection and award criteria with a positive outcome, but could not be funded due to budget constraints — should be financed by ESI Funds resources, if these resources are available for that purpose; points out that a similar mechanism should also be defined for collaborative research projects;

57. Calls on the Commission to provide increased levels of support in FP9 for young researchers such as pan-European networking tools and to reinforce funding schemes for early-stage researchers with less than two years of experience after PhD completion;

58. Observes that the Marie Skłodowska-Curie actions are a widely recognised source of funding among researchers and promote the mobility of researchers and the development of young researchers; takes the view that, in the interests of continuity, it would be desirable for Marie Skłodowska-Curie actions to continue to be funded in FP9;

59. Calls on the Commission and Member States to continue to encourage private investments in R&D&I that must be additional and not substitutive to the public ones; recalls that two-thirds of the 3 % R&D GDP target should come from the private sector<sup>(1)</sup>; appreciates efforts made by industry hitherto and, in view of the generally scarce resources for public R&D spending, calls on the private sector to engage more in R&D spending, as well as in Open Access and Open Science; calls on the Commission to determine the degree of participation of large industry (be that through loans, grants or at their own cost), depending on the extent of the European Added Value of the project and its potential to be a driving force for SMEs, while considering the specificities and needs of each sector; asks the Commission to monitor the 'in kind' contributions in order to make sure that investments are real and new;

60. Calls on the Commission to improve the transparency and clarity of rules for public-private cooperation within FP9 projects following the results and recommendations stemming from the evaluation; asks the Commission to verify and assess the existing instruments for public-private partnerships;

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<sup>(1)</sup> See Council conclusions of 29 May 2015.

**Tuesday 13 June 2017**

61. Highlights the fact that, irrespective of the SME Instrument, industry involvement should continue to be supported, since industry has the necessary expertise in many areas and makes a significant financial contribution;

62. Regrets the mixed set of results achieved by the gender equality focus in Horizon 2020, as the only target reached is the share of women in the advisory groups, while the share of women in the project evaluation panels and among project coordinators, and the gender dimension in research and innovation content, remain below target levels; stresses the need to improve participation and gender mainstreaming in FP9 and to reach the target levels set in the Horizon 2020 regulation and calls on the Commission to undertake a study to explore the barriers or difficulties that may be conditioning an underrepresentation of women in the programme; encourages Member States, according to the ERA objectives, to create a gender-balanced legal and political environment and to provide incentives for change; welcomes the Commission's Guidance on Gender Equality in Horizon 2020 <sup>(1)</sup>; recalls that according to this guide, gender balance is one of the ranking factors to prioritise proposals above threshold with the same scores;

63. Notes that the next FP will have to take into consideration the UK's departure from the EU and its implications; notes that R&I benefits from clear and stable long-term frameworks, and that the UK has a leading position in the field of science; expresses the wish that networks and collaboration between the UK and the EU can continue in the field of research, and that, subject to certain conditions, a stable and satisfying solution can be found quickly, so as to ensure that the EU does not miss out on the scientific results generated in Horizon 2020 and FP9;

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

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<sup>(1)</sup> See Horizon 2020 Programme Guidance on Gender Equality in Horizon 2020. [http://eige.europa.eu/sites/default/files/h2020-hi-guide-gender\\_en.pdf](http://eige.europa.eu/sites/default/files/h2020-hi-guide-gender_en.pdf)



Tuesday 13 June 2017

P8\_TA(2017)0254

**Building blocks for a post-2020 EU Cohesion policy****European Parliament resolution of 13 June 2017 on building blocks for a post-2020 EU cohesion policy (2016/2326(INI))**

(2018/C 331/06)

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), in particular Article 3, and the Treaty on the Functioning of the European Union (TFEU), in particular Articles 4, 162, 174 to 178 and 349 thereof,
- having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 <sup>(1)</sup> (the Common Provisions Regulation),
- having regard to Regulation (EU) No 1301/2013 of the European Parliament and of the Council of 17 December 2013 on the European Regional Development Fund and on specific provisions concerning the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006 <sup>(2)</sup>,
- having regard to Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 <sup>(3)</sup>,
- having regard to Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal <sup>(4)</sup>,
- having regard to Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings <sup>(5)</sup>,
- having regard to Regulation (EU) No 1300/2013 of the European Parliament and of the Council of 17 December 2013 on the Cohesion Fund and repealing Council Regulation (EC) No 1084/2006 <sup>(6)</sup>,
- having regard to Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 <sup>(7)</sup>,
- 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 <sup>(8)</sup>,

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

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

<sup>(3)</sup> OJ L 347, 20.12.2013, p. 470.

<sup>(4)</sup> OJ L 347, 20.12.2013, p. 259.

<sup>(5)</sup> OJ L 347, 20.12.2013, p. 303.

<sup>(6)</sup> OJ L 347, 20.12.2013, p. 281.

<sup>(7)</sup> OJ L 347, 20.12.2013, p. 884.

<sup>(8)</sup> OJ L 298, 26.10.2012, p. 1.

**Tuesday 13 June 2017**

- having regard to the Commission communication of 14 September 2016 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 communication of 14 December 2015 entitled ‘Investing in jobs and growth — maximising the contribution of European Structural and Investment Funds’ (COM(2015)0639),
- having regard to its resolution of 16 February 2017 on investing in jobs and growth — maximising the contribution of European Structural and Investment Funds: an evaluation of the report under Article 16(3) of the CPR <sup>(1)</sup>,
- having regard to its resolution of 13 September 2016 on European Territorial Cooperation — best practices and innovative measures <sup>(2)</sup>,
- having regard to its resolution of 11 May 2016 on acceleration of implementation of cohesion policy <sup>(3)</sup>,
- having regard to its resolution of 21 January 2010 on a European Strategy for the Danube Region <sup>(4)</sup>, its resolution of 6 July 2010 on the European Union Strategy for the Baltic Sea Region and the role of macro-regions in the future cohesion policy <sup>(5)</sup>, its resolution of 28 October 2015 on an EU strategy for the Adriatic and Ionian region <sup>(6)</sup>, and its resolution of 13 September 2016 on an EU Strategy for the Alpine region <sup>(7)</sup>,
- having regard to its resolution of 6 July 2016 on synergies for innovation: the European Structural and Investment Funds, Horizon 2020 and other European innovation funds and EU programmes <sup>(8)</sup>,
- having regard to its resolution of 10 May 2016 on new territorial development tools in cohesion policy 2014-2020: Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD) <sup>(9)</sup>,
- having regard to its resolution of 26 November 2015 on ‘Towards simplification and performance orientation in cohesion policy for 2014-2020’ <sup>(10)</sup>,
- having regard to its resolution of 9 September 2015 on ‘Investment for jobs and growth: promoting economic, social and territorial cohesion in the Union’ <sup>(11)</sup>,
- having regard to its resolution of 9 September 2015 on the urban dimension of EU policies <sup>(12)</sup>,
- having regard to Commission communications and Parliament resolutions on the outermost regions, in particular its resolution of 18 April 2012 on the role of Cohesion Policy in the outermost regions of the European Union in the context of EU 2020 <sup>(13)</sup> and that of 26 February 2014 on optimising the potential of outermost regions by creating synergies between the Structural Funds and other European Union programmes <sup>(14)</sup>,

<sup>(1)</sup> Texts adopted, P8\_TA(2017)0053.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0321.

<sup>(3)</sup> Texts adopted, P8\_TA(2016)0217.

<sup>(4)</sup> OJ C 305 E, 11.11.2010, p. 14.

<sup>(5)</sup> OJ C 351 E, 2.12.2011, p. 1.

<sup>(6)</sup> Texts adopted, P8\_TA(2015)0383.

<sup>(7)</sup> Texts adopted, P8\_TA(2016)0336.

<sup>(8)</sup> Texts adopted, P8\_TA(2016)0311.

<sup>(9)</sup> Texts adopted, P8\_TA(2016)0211.

<sup>(10)</sup> Texts adopted, P8\_TA(2015)0419.

<sup>(11)</sup> Texts adopted, P8\_TA(2015)0308.

<sup>(12)</sup> Texts adopted, P8\_TA(2015)0307.

<sup>(13)</sup> OJ C 258 E, 7.9.2013, p. 1.

<sup>(14)</sup> Texts adopted, P7\_TA(2014)0133.



Tuesday 13 June 2017

- having regard to its resolution of 28 October 2015 on cohesion policy and the review of the Europe 2020 strategy <sup>(1)</sup>,
  - having regard to the conclusions and recommendations of the 'High Level Group monitoring simplification for beneficiaries of ESI funds',
  - having regard to the Council conclusions on the 2016 European Court of Auditors' Special Report No 31, 'Spending at least one euro in every five from the EU budget on climate action: ambitious work underway, but serious risk of falling short', adopted on 21 March 2017,
  - having regard to the Court of Justice judgment of 15 December 2015 <sup>(2)</sup> on the interpretation of Article 349 TFEU,
  - having regard to the European Court of Auditors Special Report No 19/2016: Implementing the EU budget through financial instruments — lessons to be learnt from the 2007-2013 programme period,
  - having regard to the report of the Commission of 22 February 2016 on the European Structural and Investment Funds and European Fund for Strategic Investments complementarities — ensuring coordination, synergies and complementarity,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development and the opinion of the Committee on Budgets (A8-0202/2017),
- A. whereas EU cohesion policy stems from the TEU and the TFEU and expresses the EU's solidarity as one of the fundamental principles of the Union, by pursuing its Treaty based objective of reducing regional disparities and promoting economic, social and territorial cohesion among all regions across the EU;
- B. whereas the functioning of the EU as a 'convergence tool' stalled after 2008, causing an increase in existing divergences between and within Member States, as well as deepening social and economic inequalities throughout the EU; recalls that cohesion policy at European level is very effective, particularly in promoting various forms of territorial cooperation, and therefore remains — in its economic, social and territorial dimension — an urgently necessary policy which combines the specific needs of a territory with EU priorities and delivers tangible results on the ground for all citizens;
- C. whereas cohesion policy remains the main, highly successful and valued EU-wide investment and development policy for sustainable job creation and for creating smart, sustainable and inclusive growth and competitiveness after 2020, especially against the backdrop of a sharp decline in public and private investments in many Member States and the implications of globalisation; recalls that cohesion policy has played a vital role and shown significant responsiveness to macroeconomic constraints;
- D. whereas the last reform of cohesion policy in 2013 was extensive and substantial, shifting the focus of the policy towards a result-oriented approach, thematic concentration, effectiveness and efficiency on the one hand and principles including partnership, multi-level governance, smart specialisation and place-based approaches on the other;
- E. whereas the renewed cohesion policy resulted in a gradual shift of focus from one based on major infrastructure-related projects towards one based on stimulating the knowledge economy and innovation;
- F. whereas these principles should be maintained and consolidated after 2020 in order to ensure continuity, visibility, legal certainty, accessibility and transparency of policy implementation;

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<sup>(1)</sup> Texts adopted, P8\_TA(2015)0384.

<sup>(2)</sup> ECLI:EU:C:2015:813.

**Tuesday 13 June 2017**

- G. whereas in order to render cohesion policy a success post-2020, it is essential to reduce the administrative burden for its beneficiaries and management authorities, to find the right balance between the result orientation of the policy and the level of checks and controls to increase proportionality, to introduce differentiation into the implementation of programmes, and to simplify the rules and procedures, as it is currently often perceived as too complex;
- H. whereas these elements — combined with the integrated policy approach and the partnership principle — illustrate the added value of cohesion policy;
- I. whereas the increasing constraints on both the EU and the national budgets and the consequences of Brexit should not lead to EU cohesion policy being weakened; calls, in this context, for the EU/UK negotiators to reflect on the pros and cons of the UK continuing to participate in European Territorial Cooperation programmes;
- J. whereas cohesion policy already addresses a very wide range of challenges relating to its objectives as laid down in the Treaties and cannot be expected to tackle all new challenges the EU will face post 2020 with the same — or an even smaller — budget, although the impact may be bigger if Member States, regions and cities are allowed more flexibility to support new political challenges;

#### ***Added value of EU cohesion policy***

1. Strongly opposes any scenario for the EU27 by 2025, as contained in the White Paper on the Future of Europe, which would scale down the EU's efforts in relation to cohesion policy; invites the Commission, on the contrary, to present a comprehensive legislative proposal for a strong and effective cohesion policy post-2020;
2. Underlines that growth and regional, economic and social convergence cannot be achieved without good governance, cooperation, mutual trust among all stakeholders and the effective involvement of partners at national, regional and local level, as is enshrined in the partnership principle (Article 5 of the Common Provisions Regulation (CPR)); reiterates that the EU cohesion policy's shared management arrangement provides the EU with a unique tool to directly address the concerns of citizens in relation to internal and external challenges; is of the opinion that shared management, which is based on the partnership principle, multilevel governance and the coordination of different administrative levels, is of significant value in ensuring better ownership and responsibility for policy implementation among all stakeholders;
3. Emphasises the catalyst effects of cohesion policy and the lessons that can be learnt for administrations, beneficiaries and stakeholders; highlights the horizontal and cross-cutting approach of cohesion policy as a smart, sustainable and inclusive policy that provides a framework for mobilising and coordinating national and subnational actors, and for directly engaging them in working together towards reaching EU priorities through co-financed projects; calls in this context for optimal coordination and cooperation between the Commission DG responsible for cohesion policy and other DGs, as well as with national, regional and local authorities;
4. Regrets the late adoption of several operational programmes and the late designation of the managing authorities in some Member States during the current programming period; welcomes the first signs of the accelerated implementation of the operational programmes observed during 2016; urges the Commission to continue with the Task Force for Better Implementation in order to support implementation and to identify the causes of the delays, and to propose practical ways and measures of avoiding such problems at the outset of the next programming period; strongly encourages all actors involved to continue to further improve and accelerate implementation without causing bottlenecks;
5. Notes that the shortcomings of the financial planning and implementation system led to the accumulation of unpaid bills and the build-up of an unprecedented backlog that rolled over from the last Multiannual Financial Framework (MFF) to the current one; calls on the Commission to come up with a structured solution to solve such problems before the end of the current MFF and to prevent them from spilling over into the next MFF; underlines that the level of payment appropriations must match past commitments, especially towards the end of the period, when the level of payment claims from the Member States tends to increase significantly;

Tuesday 13 June 2017

6. Recognises that in some Member States the partnership principle has led to closer cooperation with regional and local authorities, while there is still room for improvement in order to ensure the real and early involvement of all stakeholders, including from civil society, with a view to ensuring increased accountability and visibility in the implementation of cohesion policy without increasing administrative burdens or causing delays; underlines that stakeholders should continue to be involved in accordance with the multi-level governance approach; is of the opinion that the partnership principle and the code of conduct should be further strengthened in the future by, for example, introducing clear minimum requirements for partnership involvement;

7. Stresses that although cohesion policy has mitigated the impact of the recent economic and financial crisis in the EU, and that of the austerity measures, regional disparities, as well as disparities in competitiveness and social inequalities, remain high; calls for strengthened action to reduce these disparities and prevent the development of new disparities in all types of regions, while maintaining and consolidating support for the regions so as to facilitate ownership of the policy in every type of region and to achieve EU objectives throughout the EU; considers, in this context, that more attention needs to be paid to making regions more resilient to sudden shocks;

8. Points out that territorial cooperation in all its forms, including macro-regional strategies, whose potential is still to be fully exploited, transposes the concept of political cooperation and the coordination of regions and citizens across borders in the EU; underlines the value of cohesion policy in addressing the challenges inherent to islands, cross-border regions and the northernmost sparsely populated regions as provided for in Article 174 TFEU, to the outermost regions defined in Articles 349 and 355 TFEU which enjoy a special status and whose specific tools and financing should be maintained post-2020, and to peripheral regions;

9. Notes that European Territorial Cooperation (ETC) is one of the important goals of cohesion policy 2014-2020 which adds substantial added value to EU objectives, encourages solidarity between EU regions and with its neighbours and facilitates the exchange of experience and transfer of good practice, e.g. via standardised documents; insists on the need to continue pursuing cross-border, transnational and interregional cooperation as part of the aim of strengthening territorial cohesion in line with Article 174 TFEU; considers that it should remain an important instrument post-2020; underlines, however, that the current ETC budget does not match the great challenges facing Interreg programmes nor does it effectively support cross-border cooperation; calls therefore for a substantially increased budget for ETC in the next programming period;

10. Underlines the importance of the current Interreg Europe cooperation programme for European public authorities to facilitate the exchange of experience and transfer of good practice; suggests that the funding possibilities in the next Interreg Europe programme after 2020 be enlarged to enable investment in physical pilot projects and demonstration projects, with the involvement of stakeholders across Europe also being taken into account;

### ***Architecture of cohesion policy after 2020 — continuity and areas for improvement***

11. Underlines that the current categorisation of regions, the reforms introduced, such as thematic concentration, and the performance framework have demonstrated the value of cohesion policy; asks the Commission to present ideas for greater flexibility in the implementation of the EU budget as a whole; considers the creation of a reserve an interesting option in this context to address major unforeseen events during the programming period and to facilitate the re-programming of operational programmes in order to adapt ESIF investments to the changing needs of each region, and also to address the effects of globalisation at regional and local level without, however, negatively affecting cohesion policy investments or impacting on the strategic orientation, long-term objectives and planning certainty and stability of multi-annual programmes for regional and local authorities;

12. Recognises the value of ex-ante conditionalities, in particular the one on Research and Innovation Strategies for smart specialisation (RIS3), which continue to support the strategic programming of the ESI Funds and have led to increased performance orientation; notes that ex-ante conditionalities enable the ESIF to support the Europe post-2020 objectives effectively without prejudice to the cohesion policy objectives, as stipulated in the Treaty;

**Tuesday 13 June 2017**

13. Opposes macro-economic conditionalities and highlights that the link between cohesion policy and economic governance processes in the European Semester must be balanced, reciprocal and non-punitive towards all the interested parties; supports a further recognition of the territorial dimension which could be beneficial for the European Semester, i.e. economic governance and the cohesion policy objectives of economic, social and territorial cohesion, as well as of sustainable growth, employment and environmental protection, should be considered in a balanced approach;

14. Believes, given that cohesion policy funding is intended to boost investment, growth and employment throughout the EU, that the Commission should explore, in the 7th Cohesion Report and in close cooperation with the Member State governments, how to address the impact of these investments on the budget deficits of these governments;

15. Points out that increasing administrative and institutional capacities — and therefore strengthening national and regional agencies for supporting investments — in the area of the programming, implementation and evaluation of operational programmes, as well as in the quality of professional training, in the Member States and regions is crucial for timely and successful cohesion policy performance and for bringing about convergence towards higher standards; stresses, in this context, the importance of the Taiex Regio Peer 2 Peer initiative which improves administrative and institutional capacity and produces better results for EU investments;

16. Highlights the need to simplify the cohesion policy's overall management system at all governance levels, facilitating the programming, management and evaluation of operational programmes, in order to make it more accessible, flexible and effective; emphasises, in this context, the importance of combating gold-plating in the Member States; asks the Commission to increase the possibilities for e-cohesion and specific types of expenditure, such as standard scales of unit costs and flat-rate amounts under CPR, and to introduce a digital platform or one-stop shops for information for applicants and beneficiaries; supports the conclusions and recommendations hitherto adopted by the 'High Level Group monitoring simplification for beneficiaries of ESI Funds', and encourages Member States to implement these recommendations;

17. Asks the Commission to reflect on solutions according to proportionality and differentiation in the implementation of programmes, based on risk, objective criteria and positive incentives for programmes, their scale and administrative capacity, especially with regard to the multiple layers of audit, which should focus on combating irregularities, namely fraud and corruption, and the number of controls, to achieve greater harmonisation between cohesion policy, competition policy and other Union policies, in particular state aid rules, which apply to the ESI Funds but not to EFSI or Horizon 2020, as well as with regard to the possibility of a single set of rules for all ESI Funds to make financing more efficient while taking into account the specificities of each Fund;

18. Calls on the Commission, with a view to real simplification, and in agreement with the managing authorities of national and regional programmes, to draw up a feasible plan to extend the simplified cost regime to the ERDF, also in keeping with the provisions of the proposal for a regulation to amend the financial rules applicable to the budget — the so-called Omnibus regulation;

19. Believes that grants should remain the basis of the financing of cohesion policy; notes, however, the increasing role of financial instruments; points out that loans, equity or guarantees can play a complementary role, but they should be used with caution, based on an appropriate ex-ante assessment and grants should be complemented only where such financial instruments demonstrate an added value and could have a leverage effect by attracting additional financial support, taking into account regional disparities and the diversity of practices and experiences;

20. Stresses the importance of assistance by the Commission, EIB and Member States to local and regional authorities on the innovative financial instruments through platforms such as fi-compass or by providing incentives for beneficiaries; recalls that these instruments are not suitable for all types of interventions under cohesion policy; is of the opinion that all regions, on a voluntary basis, ought to be able to decide on the implementation of financial instruments in line with their needs; opposes, however, binding quantitative targets for the use of financial instruments, and underlines that the increasing use of financial instruments should not lead to a reduction in the EU budget in general;

Tuesday 13 June 2017

21. Calls on the Commission to ensure better synergies and communication between and about the ESI Funds and other Union funds and programmes, including EFSI, and to facilitate the implementation of multi-fund operations; stresses that the EFSI should not undermine the strategic coherence, territorial concentration and long-term perspective of cohesion policy programming and should not replace or crowd out the grants nor aim to replace or reduce the ESIF budget; insists on the real additionality of its resources; calls for the establishment of clear delimitations between the EFSI and cohesion policy, together with the provision of opportunities for their combination and facilitated use without mixing them, which can make the funding structure more attractive, in order to make good use of scarce EU resources; believes that the harmonisation of rules for multi-fund operations is needed, as well as a clear communication strategy on existing funding possibilities; invites the Commission, in this context, to develop a toolbox for beneficiaries;

22. Invites the Commission to reflect on the development of an additional set of indicators that complement the GDP indicator, which remains the main legitimate and reliable method for allocating ESI Funds fairly; believes that the Social Progress Index or a demographic indicator should be evaluated and considered in this context in order to provide a comprehensive picture of regional development; considers that such indicators could better respond to the new types of inequalities between EU regions that are arising; stresses, furthermore, the relevance of outcome indicators to strengthen the result and performance orientation of the policy;

23. Calls on the Commission to consider measures aimed at resolving the issue of national financing of cohesion policy projects in view of the problem faced by local and regional authorities in highly centralised Member States that do not have sufficient fiscal and financial capacities and that experience great difficulties in co-financing projects, and often even in drafting project documentation, due to the lack of available financial resources, which leads to lower utilisation of cohesion policy;

24. Encourages the Commission to consider the possibility of using the NUTS III level as a classification of regions in cohesion policy for some selected priorities;

#### ***Key policy areas for a modernised cohesion Policy after 2020***

25. Stresses the importance of the ESF, the Youth Guarantee and the Youth Employment Initiative, especially in the fight against long-term and youth unemployment in the Union, which are at a historically high level, particularly in less developed regions, in the outermost regions and in regions which have been hit hardest by the crisis; emphasises the key role played by SMEs in job creation — accounting for 80 % of jobs in the Union — in promoting innovative sectors such as the digital and low-carbon economies;

26. Believes that the post-2020 cohesion policy should continue to care for the vulnerable and the marginalised, address growing inequalities and build solidarity; notes the positive impact in terms of the social and employment-related added value of investments in education, training and culture; points, furthermore, to the need to maintain social inclusion, including ESF spending, complemented by ERDF investments in that field;

27. Suggests a better use of ESI Funds in order to tackle demographic change and address its regional and local consequences; is of the opinion that in regions facing challenges such as depopulation ESI Funds should be optimally targeted to create jobs and growth;

28. Notes the increasing importance of the Territorial Agenda and of successful rural-urban partnerships, as well as the exemplary role of smart cities as microcosms and catalysts for innovative solutions to regional and local challenges;

29. Welcomes the Pact of Amsterdam and the better recognition accorded to the role of cities and urban areas in European policy-making and demands an effective implementation of the cooperative working method through the partnerships that the Pact entails; expects the results to be incorporated in future EU policies post-2020;

**Tuesday 13 June 2017**

30. Underlines the enhanced urban dimension of cohesion policy in the form of specific provisions for sustainable urban development and urban innovative actions; considers that this should be further developed and financially strengthened post-2020, and that the sub-delegation of competences to lower levels should be reinforced; encourages the Commission to improve coordination between various measures aimed at cities to enhance the direct support to local governments under cohesion policy by providing financing and tailored instruments for territorial development; emphasises the future role of territorial development tools, such as Community-Led Local Development and the Integrated Territorial Investments;

31. Endorses the EU's commitments under the Paris climate change agreement; recalls in this context, the goal endorsed by all EU institutions of spending at least 20 % of the EU budget on climate change-related action, and underlines that the ESI Funds play a key role in this direction and should continue to be used as effectively as possible for climate change mitigation and adaptation, as well as for green economies and renewable energies; considers it necessary to improve the monitoring and tracking system for climate spending; highlights the potential of ETC in this regard, as well as the role of cities and regions in the context of the Urban Agenda;

32. Notes that RIS3 strengthens the regional innovation ecosystems; stresses that research, innovation and technology development should continue to play a prominent role to allow the EU to compete globally; considers that the smart specialisation model should become one of the leading approaches of post-2020 cohesion policy by encouraging cooperation between different regions, urban and rural areas and bolstering the economic development of the EU, creating synergies between transnational RIS3 and world-class clusters; recalls the existing Stairway to Excellence (S2E) pilot project, which continues to support regions in the development and exploitation of synergies between the ESIF, Horizon 2020 and other EU funding programmes; consequently takes the view that further efforts must be made to maximise synergies in order to further strengthen smart specialisation and innovation post-2020;

33. Underlines that the increased visibility of the cohesion policy is vital to fight against euroscepticism and can contribute to regaining citizens' confidence and trust; highlights that in order to improve the visibility of ESI Funds, greater focus must be placed on the content and results of their programmes, through a top-down and bottom-up approach allowing participation by stakeholders and recipients who can act as an effective channel through which to disseminate cohesion policy achievements; urges, furthermore, the Commission, Member States, regions and cities to communicate in a more efficient way on the measurable results of cohesion policy which bring added value to the everyday life of EU citizens; urges that communication activities under a specific budget within the technical assistance should continue, if appropriate, until after a project has closed when its results become clearly visible;

## **Outlook**

34. Calls for the fostering of economic, social and territorial cohesion and solidarity across the EU and for the steering of EU funds towards growth, jobs and competitiveness to be put at the top of the EU agenda; calls also for the fight against regional disparities, poverty and social exclusion, as well as against discrimination, to be maintained; considers that, in addition to the goals enshrined in the Treaties, cohesion policy should continue to serve as a tool to attain EU political objectives, thus also contributing to a greater awareness of its performance and remaining the Union's main investment policy available to all regions;

35. Reiterates that it is high time to prepare the post-2020 EU cohesion policy in order to launch it effectively at the very start of the new programming period; calls therefore for the Commission's preparation of the new legislative framework to start in due time, namely swiftly after the presentation and translation into the official languages of the Commission proposal for the next MFF; calls, furthermore, for the timely adoption of all legislative proposals for future cohesion policy, and for guidance on management and control before the start of the new programming period, with no retro-active effect; underlines that the delayed implementation of operational programmes affects the efficiency of cohesion policy;

36. Notes that the core of the current cohesion policy legislative framework should be maintained after 2020 with a refined, strengthened, easily accessible and result-orientated policy and with an added value of the policy which is better communicated to citizens;



Tuesday 13 June 2017

37. Stresses in view of the Commission's proposal 2016/0282(COD) that the reception of migrants and refugees under international protection as well as their social and economic integration requires a coherent transnational approach, which should also be addressed through the current and future EU cohesion policy;

38. Points to the importance of stability in the rules; calls on the Commission, when drawing up the implementation provisions for cohesion policy under the next MFF, to keep changes to a minimum; is convinced of the need for the EU budget share for cohesion policy after 2020 to be maintained at an adequate level, if not increased, in light of the complex internal and external challenges that the policy will have to address in view of its objectives; considers that this policy must not be weakened under any circumstances, Brexit included, and that its share of the total EU budget should not be reduced by siphoning off means for new challenges; underlines, furthermore, the multi-annual nature of cohesion policy and calls for its 7-year programming period to be maintained or for the introduction of a 5+5 years programming period with an obligatory mid-term revision;

39. Calls for the swift allocation of the performance reserve; notes that the time between performance and the release of the reserve is too long, thereby reducing the effectiveness of the reserve; urges the Commission to allow Member States to operationalise the use of the performance reserve as soon as the review has been finalised;

40. Points out in this context that the digital agenda, including the provision of the necessary infrastructure and advanced technological solutions, must be a priority within the framework of cohesion policy, particularly in the next funding period; notes that developments in the telecommunications sector must in any case be accompanied by appropriate training, which should also be supported by cohesion policy;

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41. Instructs its President to forward this resolution to the Council and the Commission as well as the Member States and their parliaments and the Committee of the Regions.

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Tuesday 13 June 2017

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## **Status of fish stocks and socio-economic situation of the fishing sector in the Mediterranean**

### **European Parliament resolution of 13 June 2017 on the status of fish stocks and the socio-economic situation of the fishing sector in the Mediterranean (2016/2079(INI))**

(2018/C 331/07)

*The European Parliament,*

- having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC <sup>(1)</sup> (CFP Regulation),
  - having regard to 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) <sup>(2)</sup>,
  - having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 <sup>(3)</sup>,
  - having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>(4)</sup> (IUU Regulation),
  - having regard to the Mid-term strategy (2017-2020) of the General Fisheries Commission for the Mediterranean (GFCM) towards the sustainability of Mediterranean and Black Sea fisheries,
  - having regard to its resolution of 14 September 2016 on the proposal for a Council directive implementing the Agreement concluded between the General Confederation of Agricultural Cooperatives in the European Union (COGECA), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises (EUROPÉCHE) of 21 May 2012 as amended on 8 May 2013 concerning the implementation of the Work in Fishing Convention, 2007, of the International Labour Organisation <sup>(5)</sup>,
  - having regard the UN Resolution adopted by the General Assembly on 25 September 2015 entitled 'Transforming our world: the 2030 Agenda for Sustainable Development',
  - having regard to the Regional Conference on 'Building a future for sustainable small-scale fisheries in the Mediterranean and the Black Sea' held in Algiers, Algeria on 7-9 March 2016,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Employment and Social Affairs (A8-0179/2017),
- A. whereas the Mediterranean, with its 17 000 maritime species, is one of the areas with the greatest biodiversity in the world; whereas a multi-species approach therefore needs to be taken when deciding how it should be managed;

<sup>(1)</sup> OJ L 354, 28.12.2013, p. 22.

<sup>(2)</sup> OJ L 164, 25.6.2008, p. 19.

<sup>(3)</sup> OJ L 409, 30.12.2006, p. 11.

<sup>(4)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(5)</sup> Texts adopted, P8\_TA(2016)0343.



Tuesday 13 June 2017

- B. whereas, in its communication entitled ‘Consultation on the fishing opportunities for 2017 under the Common Fisheries Policy’ (COM(2016)0396), the Commission maintains that overfishing remains prevalent in the Mediterranean and that urgent measures are needed to reverse this situation; whereas in the same text the Commission expresses concern that many of the assessed stocks are being fished considerably above the maximum sustainable yield (MSY) target estimates;
- C. whereas, for all stocks and by 2020 at the latest, the Mediterranean has to respond to the major challenge of achieving the objective of progressively restoring and maintaining fish stock populations above biomass levels capable of producing the maximum sustainable yield; whereas this challenge will require the participation and commitment of non-EU countries; whereas the overall level of overfishing in the Mediterranean Basin is, broadly speaking, between 2 and 3 times the FMSY; whereas, despite the considerable efforts made both within and outside the EU to ensure implementation of and compliance with legislation in the fisheries sector, over 93 % of the assessed species in the Mediterranean are still regarded as being overfished;
- D. whereas fisheries in this region are of great socio-economic importance to coastal populations; whereas the sector employs hundreds of thousands of people, including through the secondary processing sector, with a substantial number of women, in particular, depending on fisheries for employment; whereas the Mediterranean makes a vital contribution in safeguarding food security, particularly for the region’s most vulnerable populations; whereas fisheries offer a way of supplementing income and food supplies and contribute to regional stability;
- E. whereas the Mediterranean Sea is affected by a range of factors — such as pollution caused by maritime transport — which, together with fishing, have an impact on the health of fish stocks;
- F. whereas small-scale fisheries (SSF) account for 80 % of fleets and 60 % of jobs in the Mediterranean basin; whereas it is regrettable that there is no commonly agreed definition of SSF at European level, although this is a difficult task given the variety of specificities and characteristics in the marine ecosystem and fishing sector; whereas ‘small-scale coastal fishing’ is formally defined only for the purposes of the European Fisheries Fund (Council Regulation (EC) No 1198/2006) as ‘fishing carried out by fishing vessels of an overall length of less than 12 metres and not using towed gear’ (such as trawls); whereas the definition of small-scale fishing should take account of a range of national and regional characteristics;
- G. whereas at the high-level meeting held in Catania in February 2016 on the status of stocks in the Mediterranean, an agreement was reached on the urgent need to reverse these negative trends, and there was acknowledgement of the major challenge of restoring and maintaining fish stock populations above biomass levels capable of producing maximum sustainable yields, while complying with the CFP obligation relating to MSY for all species, by 2020 at the latest;
- H. whereas, in addition to overfishing, the Mediterranean sea is facing numerous challenges, the majority of which can be attributed to a densely populated coastline (excess of nutrients, pollutants, habitat and coastline alterations) but also to maritime transport and the overexploitation of resources, including oil and gas harvesting, among others; whereas the Mediterranean is, furthermore, very vulnerable to climate change, which, in addition to intense maritime traffic, is facilitating the introduction and establishment of new invasive species;
- I. whereas the impossibility of using specific gears and techniques — which are more acceptable and which have a smaller impact on the status of endangered stocks — has a serious effect on the viability of already marginalised coastal and island communities, hinders development and causes increased depopulation;
- J. whereas coastal communities throughout the Mediterranean Member States are highly dependent on fisheries and SSFs in particular, and are thus jeopardised by the lack of sustainability of fish stocks;

**Tuesday 13 June 2017**

- K. whereas there are a large number of coastal communities in the EU which are largely dependent on traditional, artisanal and small-scale fisheries activities in the Mediterranean Basin;
- L. whereas recreational fishing is of socio-economic value in many regions of the Mediterranean and has both a direct and an indirect impact on employment;
- M. whereas account needs to be taken of the role that recreational fishing plays with regard to the state of stocks in the Mediterranean;
1. Stresses the importance of comprehensively enforcing, in the short term, the targets and measures laid down in the CFP, and of a timely drafting and effective implementation of the multiannual management plans in line with an approach centred on regionalisation and a multiplicity of species; stresses, in particular, the need to achieve the Good Environmental Status (GES) goal established by the EU Marine Strategy Framework Directive (Directive 2008/56/EC), taking into account that fisheries management measures should be decided in the context of the CFP;
2. Takes the view that the Mediterranean should continue to receive differential treatment by comparison with the remaining sea basins under the CFP, since much of it comprises international waters in which third countries play a decisive role with regard to the state of stocks;
3. Considers it urgent to provide a response that is collective and based on multi-tier international, European, national and regional cooperation; considers that all relevant stakeholders, including professional and recreational fishermen, the fishing industry, traditional and artisanal small-scale fishing, scientists, regional organisations, managers of marine-protected areas, trade unions and NGOs, should be involved in an inclusive, bottom-up process; emphasises the strategic role of the Mediterranean Advisory Council in this context;
4. Stresses that without the awareness, full support and involvement of the coastal communities, who must be informed about the dangers of depleting stocks and species for the sake of their socio-economic future, the management measures and regulations will not fulfil their full potential;
5. Notes that there are no common, detailed definitions for small and artisanal fisheries; stresses that such definitions are needed at EU level as soon as possible, for use in further political action;
6. Maintains that where fisheries are concerned, policymaking should be such as to enable fishers and their associations and producers' organisations, trade unions, Coastal Action Groups (CAGs) and local communities to be involved in — and made an integral part of — decision-taking processes, in line with the CFP's regionalisation principle and including third countries on the eastern and southern shores of the Mediterranean basin; stresses that only by creating fair, balanced and equitable conditions for all the countries involved and for all fishing operators in the Mediterranean will it be possible to ensure healthy fishery resources and sustainable and profitable fisheries, and hence to maintain current levels of employment and ideally create more jobs in the fishing sector; underlines the important role of strong and independent social partners in the fishing sector, as well as of an institutionalised social dialogue and the participation of employees in company matters;
7. Notes that the CFP provides incentives, including fishing opportunities, for fishing selectively and in a manner that ensures a limited impact on the marine ecosystem and fishery resources; stresses, in that respect the need for Member States to apply transparent and objective criteria, including environmental, social and economic criteria (Article 17 of the CFP Regulation); urges that efforts should be made in this direction to ensure that more incentives and preferential access to coastal fishing areas are given to small-scale (artisanal and traditional) fleets if they fish selectively and in a manner that has a limited impact; stresses the importance of consulting the coastal communities concerned;
8. Observes that the influence of recreational fishing on stocks and its socio-economic potential in the Mediterranean have not been sufficiently studied; considers that, in future, data should be gathered on the number of recreational fishermen, the volume of their catches and the value added by them in coastal communities;
9. Notes that recreational fishing generates a high economic revenue for the local communities, through activities like tourism, and has a low environmental impact and should thus be encouraged;

Tuesday 13 June 2017

10. Considers it vital to define coastal, small-scale coastal and traditional fishing in line with socio-economic characteristics, while applying a regional approach;

11. Stresses that coastal fishing uses traditional gears and techniques which, by virtue of their specific characteristics, define the identity and way of life of coastal regions, and that it is therefore vital to preserve their use and protect them as an element of cultural, historical and traditional heritage;

12. Considers that, in the context of regionalisation, and taking account of the specificities of each fishing type, certain justified derogations concerning the use of specific fishing gears and techniques should be permitted;

13. Stresses that, according to the Food and Agriculture Organisation (FAO), a precautionary approach to the conservation, management and exploitation of living marine resources should be applied, which takes into account socio-economic considerations in order to achieve sustainable fisheries, while protecting and preserving the marine environment as a whole; stresses that the lack of scientific information must not be an excuse for failing to implement conservation and management measures; considers it vital to swiftly remedy the lack of data and tangible scientific information about the status of stocks; stresses that all stakeholders should be consulted and involved in this process;

14. Takes the view that, in order to protect and safeguard Mediterranean fisheries and environmental resources, fisheries management policies must be effective and backed up by strong, wide-ranging and urgent policies and measures to counter the factors that affect and have an adverse impact on those resources, such as: climate change (global warming, acidification, rainfall), pollution (chemical, organic, macro- and microscopic), uncontrolled gas and oil exploration and extraction, maritime transport, invasive species and the destruction or alteration of natural habitats, especially coastal; stresses the importance, therefore, of better understanding the impact of those factors on fish stocks; calls for existing European capacities for observing and monitoring the Mediterranean sea, such as EMODnet, and the Copernicus programme and its marine component, to be strengthened in this regard;

15. Considers that protecting and safeguarding fisheries resources and marine resources in the Mediterranean basin should not be based only on measures relating to the fishing industry but should also involve other sectors of activity which have an impact on the marine environment;

16. Takes the view that efforts in the field of marine knowledge should be stepped up, with particular regard to commercially exploited species, and that this knowledge should be used as the basis for planning their sustainable exploitation;

17. Stresses firmly that an extensive problem of illegal, unreported or unregulated (IUU) fishing still persists in the Mediterranean Basin, even in EU countries; considers that no intervention to safeguard resources, including and above all for small-scale fisheries economies, can be effective unless IUU fishing is combatted firmly and decisively; believes that the EU needs to secure the support of non-EU Mediterranean countries for its efforts to combat IUU fishing; believes, furthermore, that inspection procedures should be harmonised throughout the Mediterranean basin accordingly, in view of the widely divergent application of inspection and penalty procedures;

18. Reiterates that coastal communities have a big influence on the efficiency of measures targeting the prevention, detection and identification of IUU fishing;

19. Considers it a matter of priority to step up monitoring activity both on land, throughout the entire distribution chain (markets and catering trade), and at sea, especially in areas in which fishing is temporarily suspended or prohibited;

20. Takes the view that, in order to avoid social inequalities, fishing opportunities should be allocated using objective and transparent criteria, including environmental, social and economic criteria, with due consideration given to low-impact methods; considers that fishing opportunities should also be fairly distributed within the various fisheries segments, including traditional and small-scale fishing; takes the view, moreover, that incentives should be provided for fleets to use more selective fishing equipment and techniques that have a reduced impact on the marine environment, in keeping with Article 17 of the CFP Regulation;

**Tuesday 13 June 2017**

21. Takes the view that the depletion of stocks in the Mediterranean should be tackled through fisheries management and conservation measures for commercial and recreational fisheries, including, mainly, through area and time-based restrictions and daily or weekly fishing limits, as well as quotas, where appropriate; considers that doing so would guarantee a level playing field with third countries for shared stocks; believes that these measures should be decided in close cooperation with the sector concerned in order to ensure efficient implementation;

22. Welcomes the increase in the number of inspections carried out by the European Fisheries Control Agency and stresses the need to strengthen efforts to tackle the two major compliance problems in 2016, namely: the false declaration of documents (logbooks, landing and transfer declarations, sales notes, etc.) and the use of prohibited or non-compliant fishing gear;

23. Stresses that fishers should on no account be left to shoulder the responsibilities deriving from the landing obligation laid down in the reformed CFP;

24. Calls for a study to be made of the consequences that the end of fishery discards will have in terms of depriving marine organisms and other species such as gulls of nutrients;

25. Notes that the system of marine-protected areas in the Mediterranean covers an inadequate area, with major coverage disparities between the various basins; points out that there is a general shortage of economic resources; considers it crucial to recognise and enhance the role that marine-protected areas already play as advanced laboratories for scientific research, for the implementation of specific measures and for cooperation and shared management with fishermen, and to optimise their use, in the light of scientific advice and conservation objectives; considers it important, in this respect, to secure a stable increase in funding for the system; considers it crucial to cooperate more closely with the GFCM and non-EU countries with a view to identifying areas to be covered by protection measures, and to establish an effective monitoring and control system to check the effectiveness of those areas;

26. Stresses the importance of ensuring that marine-protected areas cover at least 10 % of the Mediterranean Sea by 2020, in line with the UN Sustainable Development Goal 14.5; invites the GFCM to agree on a progressive calendar during the 2018 Annual Session with qualified objectives for achieving this target; stresses that in many cases the existing protected sea areas are not properly managed; considers, therefore, that in addition to introducing an effective monitoring and control system, it is necessary to develop and apply management measures in accordance with the ecosystem approach in order to be able to monitor the effectiveness of the protection measures;

27. Stresses, in particular, the need to protect cooperation in the management of sensitive areas that represent important spawning grounds for the most economically important species (e.g. the Jabuka Pit in the Adriatic Sea);

28. Stresses that the Mediterranean is characterised by a biologically unique population that is exploited by fleets from various countries, and that close cooperation and coordination of measures to regulate fishing among all stakeholders and on all levels are thus vital;

29. Calls on the Commission and the Member-States to take measures to address the problem of marine litter and plastics in the sea, which cause very severe environmental, ecological, economic and health damage;

30. Considers it vital for policies to take a varied and nuanced approach, within management plans, and employ different criteria based on the biological characteristics of the species and technical characteristics of the fishing methods; considers, moreover, that every multiannual plan should provide for appropriate planning in space ('no fishing' areas on a rotational basis, total or partial closures depending on fishing systems) and time (biological recovery periods), in addition to the promotion of technical measures aimed at maximum gear selectivity; stresses that appropriate financial compensation should be envisaged;

31. Welcomes the undertakings given by the Commission in relation to a multiannual management plan for the Mediterranean Sea; stresses the importance of regionalisation of the CFP for the management of fisheries in the Mediterranean basin; calls for the Mediterranean Advisory Council (MEDAC) to be involved throughout the process of planning and establishing the multiannual management plan and regionalised measures;

Tuesday 13 June 2017

32. Stresses that fishermen must be guaranteed a decent income during biological rest periods;
33. Emphasises that in the Mediterranean a minimum permitted size should be adopted for all commercial and recreational targeted species, depending on sexual maturity and based on the best scientific knowledge available; points out that measures should be taken to enforce these minimum permitted sizes more strictly;
34. Believes that coordinated action with third countries from the Mediterranean needs to be encouraged by stepping up political and technical cooperation under the aegis of international institutions active in this area; welcomes the recent launch of the Commission's MedFish4Ever programme — a call for action to halt the depletion of fish stocks in the Mediterranean; stresses the need to do all in our power under this programme to promote sustainable fisheries in the Mediterranean countries;
35. Stresses the need to promote and implement an agreement for time-area closures imposing temporary sequential limits on fishing in the breeding areas of certain species throughout the year; points out that this seasonalisation and specialisation of fishing efforts will be highly productive and should be scheduled with the agreement of fishing communities and scientific advisers;

#### ***Measures in respect of third countries***

36. Calls on the Commission to promote measures through the GFCM to improve the status of stocks shared with third countries, while also taking advantage of the cooperation activities already established between bodies representing fleets and those representing undertakings operating in the fishing industry and the corresponding authorities or bodies of the third countries concerned;
37. Notes that the lack of a common regulatory framework for EU and non-EU fleets operating in the Mediterranean creates unfair competition between fishermen, while at the same time jeopardising long-term catch sustainability for shared species;
38. Stresses the importance of cooperation and the need to promote compliance and a level playing field in fisheries control with third countries and regional fisheries management organisations (RFMOs) and to strengthen horizontal coordination for the management of marine areas and fish stocks beyond national jurisdictions;
39. Calls on the Commission to assist non-EU Mediterranean countries to achieve sustainable fisheries, by supporting small-scale and coastal fisheries, sharing best practices and keeping an open channel of communication, and to establish the necessary dialogue between the different national administrations involved in order to adequately support the implementation of the GFCM mid-term strategy (2017-2020) and reverse the alarming trend in the status of Mediterranean stocks; calls on the Commission to organise effective information exchange with third countries in the Mediterranean concerning the activities of third-country fleets operating in the Mediterranean;
40. Calls for the establishment of a regional plan under the aegis of the GFCM, with a view to ensuring equal conditions for all vessels fishing in the Mediterranean area and ensuring that a fair balance is struck between fishing resources and the fleet capacity of all countries on the Mediterranean shore; calls, furthermore, for the establishment of a regional centre for the vessel monitoring system (VMS) and joint inspection operations;
41. Recommends that the Commission suspend imports from third countries which do not take the necessary measures to prevent, discourage and eradicate IUU fishing which are required of them by international law as flag, port, coastal or market states;
42. Calls on Member States and the Commission to support, give all possible assistance to and work together with third countries to better fight IUU in the whole Mediterranean;

**Tuesday 13 June 2017**

43. Urges riparian states to cooperate in order to establish fisheries-restricted and marine-protected areas, including in international waters;

44. Stresses the need to lay down a set of ground rules for the management of recreational fisheries throughout the Mediterranean;

***Socioeconomic aspects***

45. Stresses that 250 000 people are directly employed on boats and that the number of people dependent on the fishing industry is exponentially higher if one takes into account families whose subsistence is derived from regional fishing and who are employed in secondary industries, such as processing the upkeep of boats, and tourism, including tourism linked to recreational fisheries; notes that 60 % of work involved in fishing is located in developing countries to the south and east of the Mediterranean, which shows how important small-scale (artisanal and traditional) fishing and recreational fishing are for the sustainable development of those regions and for the most vulnerable coastal communities in particular;

46. Considers an improvement in fishermen's working conditions essential, starting with decent remuneration and fair competition, while special attention should be paid to the industry's high accident rate and high risk of occupational diseases; suggests that Member States establish income support instruments, with due respect for the laws and customs of each Member State; recommends, lastly, that a stable income compensation fund be set up by the Member States to cover non-fishing periods, which can comprise adverse weather phenomena that make fishing impossible, and close seasons (biological rest periods), in order to safeguard the life-cycle of exploited species, environmental disasters, or events involving prolonged environmental pollution or contamination by marine biotoxins;

47. Notes that the EU fishing industry has been going through a difficult period for several years now on account of higher production costs, falling fish stocks, reduced catches and a constant fall in income;

48. Notes that the socio-economic situation in the sector has deteriorated for different reasons, including the decline of fish stocks, the drop in the value of fish at first sale (which has not been reflected in the retail sales price, owing to an unfair distribution of added value along the value chain of the sector by most of the intermediaries and, in some regions, to monopolies on distribution), and the rise in the cost of fuel; notes that these difficulties have contributed to the increase in fishing effort, which is of particular concern in the case of small-scale fishing and may indeed jeopardise the future of this traditional way of life and the survival of local communities that rely heavily on fishing;

49. Underlines the importance of developing initiatives that could have a positive impact on employment and are compatible with the reduction of the fishing effort, such as fishing tourism or research activities;

50. Calls on the Commission and the Member States to improve access to decent working conditions and adequate social protection for all workers in the fishing sector, regardless of the size and type of the enterprise which employs them, the place of employment or the underlying contract, also by using the sustainable fisheries partnership agreements signed in the region to combat social dumping and improve access to markets and finance, cooperation with public administrations and institutions and the diversification of livelihoods; underlines the importance of effective labour inspections and controls;

51. Underlines the need to improve the working conditions of fishers, given the high rate of accidents in the sector as well as the disproportionately high risk of occupational diseases, both physical and mental; stresses the need to ensure a proper work-life balance for fishers; underlines the importance of providing adequate sanitary facilities, both on board fishing vessels and on land, as well as decent accommodation and opportunities for recreational activities; stresses the need to ensure that ports, harbours and waterways remain operationally safe and navigable;

52. Stresses the need to guarantee that every fish and fishery product imported into the EU meets conditions that comply with international environmental, labour and human rights standards; calls on the Commission and the Member States to ensure fair competition and sustainability in the fishing sector in order to safeguard jobs and growth; stresses that this is essential not only with regard to competition within the Union but also and in particular in relation to competitors based in third countries;



Tuesday 13 June 2017

53. Considers that the Commission and the Member States should promote the complete use of funding from the European Maritime and Fisheries Fund (EMFF) and the European Neighbourhood Instrument; is of the view that the Commission should do its best to assist both Member States and non-EU states in using all available funds as efficiently as possible, in particular with regard to the following:

- improving working conditions and safety on board;
- enhancing the status of work and vocational training and supporting the emergence and development of new economic activities within the sector through the recruitment, education and multi-disciplinary training of young people;
- enhancing the role of women in fishing and production sectors directly linked to it, in view of the fact that women make up 12 % of the industry's overall labour force;

54. Points out that the EMFF must help the small-scale fishing industry renew its fishing gear, in order, in particular, to meet the severe constraints connected with the landing obligation;

55. Calls on the Commission to encourage the establishment and activities of Fisheries Local Action Groups (FLAGs) which promote a sustainable fisheries model;

56. Considers it vital to promote, emphasise and provide incentives for cooperation between fishermen, particularly small-scale fishermen within the same area or region, for the purpose of tackling jointly the planning and management of local fisheries resources with the aim of effective and practical regionalisation, in accordance with the aims of the CFP; considers that the enormous fragmentation and differentiation of occupations, targets, technical characteristics and equipment used is a feature peculiar to fishing in the Mediterranean, and a cross-cutting and uniform approach would therefore not respect these local specificities;

57. Observes that, despite the recent improvements, the number of stocks without a reliable assessment of their status remains high and that the Scientific, Technical and Economic Committee for Fisheries (STECF) deplores the fact that the number of assessments has actually fallen, from 44 in 2012 to a mere 15 in 2014; stresses the importance of ensuring rapid and proper data collection and encouraging and supporting an increase in the number of studies and species covered by the data, thus enhancing knowledge on the stocks, the impact of recreational fisheries and external factors such as pollution in order to achieve sustainable stock management;

58. Considers that rational and sustainable management of resources is contingent on the quantity and scientific use of data collected on factors such as fishing capacity, fishing activities engaged in and their socioeconomic situation, and the biological status of the stock exploited;

59. Notes that only 40 % of fish landed in the area covered by the GFCM comes from stocks for which scientific assessments have been submitted to the Commission, and that the percentage is even lower for stocks covered by a management plan; draws attention to the need to improve the scope of scientific assessments of the status of stocks and to increase the percentage of landings accounted for by types of fishing regulated by multiannual management plans;

60. Considers assessments of the fishing effort in recreational fishing and the gathering of catch data in each sea basin and in the Mediterranean to be important;

61. Stresses the need for integrated approaches which take into account simultaneously the heterogeneity of the marine environment, the complexity of species (both exploited and unexploited) in the sea, the various characteristics and the conduct of fishing activities, the phenomenon of the drop in value of fish at first sale and, in some regions, monopolies on distribution, as well as all other factors that have a bearing on the health of fish stocks;

62. Recognises that the data available for measuring the extent and impact of small-scale fishing activities are limited and can vary from country to country; observes that, because of this lack of data, non-industrial fishing tends to be underestimated;

63. Stresses that a better understanding of the economic and social impact of different type of fisheries, especially small-scale and recreational, would help in determining the best management measures;



**Tuesday 13 June 2017**

64. Strongly supports the proposal by the GFCM to create a catalogue of fishing activities and to include information on fishing gear and operations, a description of fishing areas and an indication of target species and by-catches, for use in providing a complete description of fishing activities in the area and interactions with other sectors, such as recreational fishing;

65. Considers that new rules should be applied to recreational fishing and that a catalogue of recreational fishing activities, including information about fishing gear and operations, a description of fishing areas, target species and by-catches should also be drawn up;

66. Calls on the Commission to promote strong scientific cooperation and to work to improve the gathering of data on the principal stocks, reducing the time lag between the gathering and final assessment of data, and requesting assessments of new stocks from the STECF; strongly deplores the fact that, in the Mediterranean, most landings are of species on which little data is available ('data-deficient fisheries');

67. Stresses the strong and crucial need to share data and combat their inaccessibility and dispersion, by developing a common database with comprehensive and reliable data on fisheries resources and by establishing a network of experts and research institutions covering different domains of fisheries science; stresses that this database should be EU-funded and contain all the data on fisheries and fishing activities by geographical sub-area, including data on recreational fishing, in order to facilitate the monitoring of quality, independent and comprehensive data and thus enhance stock assessments;

68. Notes that the impact, characteristics and scale of IUU fishing are currently not sufficiently assessed, that their appraisal varies from country to country in the Mediterranean basin and that these countries are therefore not correctly represented in the information about the current status of fisheries and about trends over time; stresses that these countries ought to be adequately taken into account in the development of scientific assessments for the purposes of fisheries management;

69. Calls on the Member States to tackle seafood fraud through product labelling and traceability and to increase their efforts to combat illegal fishing; regrets the lack of information available on the state of the majority of stocks ('data-poor stocks') and the fact that around 50 % of catches are not officially declared while 80 % of landings come from 'data-poor stocks';

70. Calls on the Member States to ratify and fully implement all relevant ILO conventions for workers in the fisheries sectors in order to ensure good working conditions, and to strengthen collective bargaining institutions so that maritime workers, including the self-employed, can enjoy their labour rights;

71. Calls on the Commission to encourage and support investments in diversification and innovation in the fisheries sector through the development of complementary activities;

### **Awareness**

72. Stresses that effective results and full accomplishment can be attained by means of a high level of responsibility and awareness among operators in the industry, by developing the skills of all fishermen (both professional and recreational) and educating them, and by involving them in decision-making, adding specific actions for the dissemination of good practices;

73. Believes it important to advocate the mandatory provision of proper consumer information detailing the exact origin of products and the method and date of catch; considers that we need to analyse and assess whether the measures provided for in the new CMO have succeeded in improving consumer information;

74. Considers it important, moreover, to raise awareness among consumers and educate them to consume fish responsibly, by choosing local species fished by sustainable methods, possibly coming from stocks which are not overexploited and not widely sold; considers it necessary, to this end, to promote an effective and reliable traceability and labelling system, in cooperation with the relevant stakeholders, in order to inform consumers and combat food fraud, *inter alia*;

Tuesday 13 June 2017

75. Believes that a balance must be struck between fair competition, consumer requirements, sustainability of the fishing sector and the maintenance of jobs; stresses the need for a comprehensive approach and a strong political will on the part of all Mediterranean countries in order to face the challenges and improve the situation in the Mediterranean sea;

76. Welcomes the MEDFISH4EVER campaign launched by the Commission with the aim of raising public awareness of the situation in the Mediterranean Sea;

77. Takes the view that schools, hospitals, and other public facilities should be supplied with fish from local fisheries;

78. Stresses that, in the light of this new scenario and of all these new interlinked factors in the Mediterranean, Regulation (EC) No 1967/2006 must be revised for the Mediterranean, to bring it into line with the current situation;

79. Points out that Regulation (EC) No 1967/2006 must be revised, in particular the part that refers to the ban on the use of certain traditional gears (e.g. banning the use of gillnets outside of the category of commercial fishing) and the provisions that relate to the specific characteristics of fishing gears, such as the height and mesh size of fishing nets, and the depth and distance from the coast at which the gears may be used;

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

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Wednesday 14 June 2017

P8\_TA(2017)0260

## **The need for an EU strategy to end and prevent the gender pension gap**

**European Parliament resolution of 14 June 2017 on the need for an EU strategy to end and prevent the gender pension gap (2016/2061(INI))**

(2018/C 331/08)

*The European Parliament,*

- having regard to Article 2 and Article 3(3) of the Treaty on European Union,
- having regard to Articles 8, 151, 153 and 157 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular its provisions on social rights and on equality between women and men,
- having regard to Articles 22 and 25 of the Universal Declaration of Human Rights,
- having regard to UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 16: The equal right of men and women to the enjoyment of all economic, social and cultural rights (Article 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)) <sup>(1)</sup>, and UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 19: The right to social security (Article 9 of the ICESCR) <sup>(2)</sup>,
- having regard to the Commission communication of 3 March 2010 entitled ‘Europe 2020: A strategy for smart, sustainable and inclusive growth’ (COM(2010)2020),
- having regard to Articles 4(2), 4(3), 12, 20 and 23 of the European Social Charter,
- having regard to the conclusions of the European Committee of Social Rights of 5 December 2014 <sup>(3)</sup>,
- having regard to Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security <sup>(4)</sup>,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>(5)</sup>,
- 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 <sup>(6)</sup>,
- having regard to Directive 2006/54/EC of the European Parliament and the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(7)</sup>,

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<sup>(1)</sup> 11 August 2005, E/C.12/2005/4.

<sup>(2)</sup> 4 February 2008, E/C.12/GC/19.

<sup>(3)</sup> XX-3/def/GRC/4/1/EN.

<sup>(4)</sup> OJ L 6, 10.1.1979, p. 24

<sup>(5)</sup> OJ L 303, 2.12.2000, p. 16.

<sup>(6)</sup> OJ L 373, 21.12.2004, p. 37.

<sup>(7)</sup> OJ L 204, 26.7.2006, p. 23.

Wednesday 14 June 2017

- having regard to the Commission Roadmap of August 2015 on a new start to address the challenges of work-life balance faced by working families,
- having regard to the Commission staff working document of 3 December 2015 entitled ‘Strategic engagement for gender equality 2016-2019’ (SWD(2015)0278), and in particular to Objective 3.2 thereof,
- having regard to its resolution of 13 September 2011 on the situation of women approaching retirement age <sup>(1)</sup>,
- having regard to its resolution of 25 October 2011 on the situation of single mothers <sup>(2)</sup>,
- having regard to its resolution of 24 May 2012 with recommendations to the Commission on application of the principle of equal pay for male and female workers for equal work or work of equal value <sup>(3)</sup>,
- having regard to its resolution of 12 March 2013 on the impact of the economic crisis on gender equality and women’s rights <sup>(4)</sup>,
- having regard to its resolution of 10 March 2015 on progress on equality between women and men in the European Union in 2013 <sup>(5)</sup>,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015 <sup>(6)</sup>,
- having regard to its resolution of 8 October 2015 on the application of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation <sup>(7)</sup>,
- having regard to its resolution of 13 September 2016 on creating labour market conditions favourable for work-life balance <sup>(8)</sup>,
- having regard to the Council conclusions of 18 June 2015 on ‘Equal income opportunities for women and men: Closing the gender gap in pensions’,
- having regard to the declaration of 7 December 2015 by the EU Presidency Trio (Netherlands, Slovakia and Malta) on gender equality,
- having regard to the European Pact for Gender Equality (2011-2020), adopted by the Council on 7 March 2011,
- having regard to the study commissioned by its Policy Department for Citizens’ Rights and Constitutional Affairs entitled ‘The gender pension gap: differences between mothers and women without children’ (2016) and the Commission study ‘The Gender Gap in Pensions in the EU’ (2013),
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Committee on Women’s Rights and Gender Equality and the opinion of the Committee on Employment and Social Affairs (A8-0197/2017),

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<sup>(1)</sup> OJ C 51 E, 22.2.2013, p. 9.

<sup>(2)</sup> OJ C 131 E, 8.5.2013, p. 60.

<sup>(3)</sup> OJ C 264 E, 13.9.2013, p. 75.

<sup>(4)</sup> OJ C 36, 29.1.2016, p. 6.

<sup>(5)</sup> OJ C 316, 30.8.2016, p. 2.

<sup>(6)</sup> OJ C 407, 4.11.2016, p. 2.

<sup>(7)</sup> Texts adopted, P8\_TA(2015)0351.

<sup>(8)</sup> Texts adopted, P8\_TA(2016)0338.

Wednesday 14 June 2017

- A. whereas in 2015 in the EU the gender gap in pensions, which may be defined as the gap between the average pre-tax income received as a pension by women and that received by men, stood at 38,3 % in the 65 and over age group, and has increased in half of the Member States in the past five years; whereas the financial crisis of the last few years has had a negative impact on many women's incomes; whereas in some Member States between 11 and 36 % of women have no access at all to any pension;
- B. whereas equality between women and men is one of the common and fundamental principles enshrined in Articles 2 and 3(3) of the Treaty on European Union, Article 8 TFEU and Article 23 of the Charter of Fundamental Rights of the European Union; whereas gender equality should likewise be mainstreamed in all EU policies, initiatives, programmes and actions;
- C. whereas women enjoy poorer pension entitlements and payments than men in most EU Member States and are both over-represented in the poorest pensioner groups and under-represented in the wealthiest;
- D. whereas these disparities are unacceptable and should be reduced and all pension contributions be calculated and levied in a gender-neutral manner in the EU, which has gender equality as one of its founding principles, as well as the right of all people to a life in dignity as one of its fundamental rights as enshrined in the Charter of the Fundamental Rights of the EU;
- E. whereas a pension is the main source of income for one person in four in the EU-28, and whereas the significant increase in the number of people of pensionable age brought about by rising life expectancy and the overall ageing of the population will result in the doubling of that figure by 2060;
- F. whereas, as a result of demographic change, in future fewer and fewer active employees will have to provide for ever more pensioners, which means that private and occupational old age pension schemes will become increasingly important;
- G. whereas the aim of pension policies is to ensure economic independence, which is essential for equality between women and men, and that social security systems in the Member States give all EU citizens a decent and adequate retirement income and an acceptable standard of living and safeguard them against the risk of poverty resulting from various factors or from social exclusion, so as to guarantee active social, cultural and political participation and life with dignity in old age, in order to continue to be part of society;
- H. whereas growing individual responsibility for decisions regarding savings entailing different risks also means that individuals have to be clearly informed of the options available and the associated risks; whereas both women and men, and in particular women, have to be supported in improving their financial literacy level, in order to be able to make informed decisions in an increasingly complex area;
- I. whereas the pension gap tends to exacerbate the situation of women with regard to economic vulnerability and leaves them exposed to social exclusion, permanent poverty and economic dependence, in particular on their spouses or other family members; whereas the pay and pensions gap is even more pronounced for women with multiple disadvantages or belonging to racial, ethnic, religious and linguistic minorities, given that they are often in jobs requiring fewer skills with less responsibility;
- J. whereas pensions linked to individual rather than to derived rights could help guarantee everyone's economic independence, reduce disincentives to participation in formal work, and minimise gender stereotypes;

Wednesday 14 June 2017

- K. whereas, owing to their longer life expectancy, women are likely on average to require more pension income than men to cover their retirement; whereas such additional income may be available to them from survivor's pension mechanisms;
- L. whereas the lack of comparable, comprehensive, reliable and regularly updated data on the basis of which to gauge the size of the pension gap and the relative importance of the factors that contribute to it makes it difficult to determine how best to tackle the problem;
- M. whereas the gap is larger (at more than 40 %) in the 65-74 age group than it is for all over-65s on average, in particular as a result of the fact that entitlements may in some cases, such as widowhood, be transferred in some Member States;
- N. whereas pension cuts and freezes increase the risk of poverty in old age, particularly among women; whereas the percentage of older women at risk of poverty and social exclusion stood at 20,2 % in 2014, compared with 14,6 % of men, and by 2050 the proportion of people over 75 at risk of poverty could reach 30 % in most Member States;
- O. whereas people over 65 have income worth around 94 % of the average for the population as a whole; whereas, nevertheless, around 22 % of women over 65 live below the at-risk-of-poverty threshold;
- P. whereas the average pension gap for the EU as a whole in 2014 concealed major disparities between n Member States; whereas, by way of comparison, the lowest gender pension gap is 3,7 % and the highest is 48,8 %, while the gap exceeds 30 % in 14 Members States;
- Q. whereas the percentage of the population receiving a pension varies widely between the Member States, standing at 15,1 % in Cyprus and 31,8 % in Lithuania in 2013, whilst the majority of pension beneficiaries in most EU Member States in 2013 were women;
- R. whereas the pension gap, which is the product of a range of factors, is a reflection of the gender imbalance that exists in relation to careers and family life, as well as opportunities to make pension contributions, position within the family group and the way in which income is calculated for pension purposes; whereas it also reflects labour market segregation and the higher proportion of women working part-time, for lower hourly wages, with career breaks and with less years in employment owing to the unpaid work performed by women as mothers and as caregivers in their families; whereas, therefore, the pension gap should be regarded as a key indicator of gender inequality in the labour market, all the more since the current level of the gender pension gap is very close to the total earnings gap (39,7 % in 2015);
- S. whereas the full extent of the pension gap, which is the product of all cumulated gender imbalances and inequalities — in terms, for example, of lifelong access to power and financial resources — that arise throughout people's working lives and are mirrored in first and second pillar pensions, may be masked by corrective mechanisms;
- T. whereas the pension gap, when examined at any given moment, is a reflection of social and labour market conditions over a period stretching back several decades; whereas those conditions are subject to sometimes major changes which will have a knock-on effect on the needs of various generations of women pensioners;
- U. whereas the pension gap differs from one woman pensioner to another according to personal, social, marital and/or family status; whereas, in view of this, a one-size-fits-all approach will not necessarily produce the best results;

Wednesday 14 June 2017

- V. whereas single parent households are particularly vulnerable since they represent 10 % of all households with dependent children, and 50 % of those are at risk of poverty and social exclusion, double the rate for the population as a whole; whereas there is a positive correlation between the pension gap and the number of children brought up, and whereas the gender pension gap of married women and mothers is much greater than that of single women without children; whereas, in view of this, the inequalities suffered by mothers, especially single mothers, are likely to be exacerbated when they retire;
- W. whereas pregnancy and parental leave tend to impel mothers — who represent 79,76 % of the persons who reduce their working time in order to care for children aged less than eight — into low-wage or part-time jobs or undesired career breaks to take care of their children; whereas maternity, paternity and parental leave are necessary and vital instruments for the better sharing of care-related tasks, improving work-life balance and minimising women's career breaks;
- X. whereas the pay levels and thus the pension entitlements of fathers are unaffected, or may even be positively affected, by the number of their children;
- Y. whereas the female unemployment rate is underestimated, given the fact that many women are not registered as unemployed, particularly those living in rural or remote areas, many of whom also devote themselves exclusively to household tasks and childcare; whereas this creates disparities in their pensions;
- Z. whereas traditional working time arrangements make it difficult for couples in which both parents wish to work full time to strike a proper work-life balance;
- AA. whereas pension credits for men and women as a form of allowance for caring for children or family members could help ensure that career breaks for reasons of care do not have a negative impact on pensions, and it would be desirable for such schemes to be extended to or stepped up in all the Member States;
- AB. whereas pension credits applying to different forms of work may help all workers to get a pension income;
- AC. whereas, although some efforts have been made to improve the situation in this area, the employment rate among women still falls short of the Europe 2020 strategy targets, and is still far lower than that among men; whereas women's increasing labour market participation contributes to efforts to reduce the gender pension gap in the EU, as there is a direct link between labour market participation and the level of pension; whereas, however, the employment rate contains no information about duration or type of employment and is thus limited in what it can tell us about pay and pension levels;
- AD. whereas the number of years worked has a direct impact on pension income; whereas women's careers are on average more than 10 years shorter than men's, and whereas the pension gap is twice as large for women who have worked for less than 14 years (at 64 %) than for those who have worked for a longer period (32 %);
- AE. whereas women are more likely than men to take career breaks, take on non-standard forms of employment, work part-time (32 % of women in comparison with 8,2 % of men) or on an unpaid basis, especially when they provide care for children and relatives and have almost sole responsibility for care and housework owing to persisting gender inequalities, all this being to the detriment of their pensions;
- AF. whereas investment in schools, pre-school education, universities and care for elderly people can help create a better work-life balance and can result in the long term not only in the creation of jobs, but also in women obtaining high-quality employment and being able to stay in the labour market for longer, which will in the long term have a positive effect on their pensions;



Wednesday 14 June 2017

- AG. whereas informal care is a fundamental pillar of our society and is to a large extent carried out by women, and this imbalance is reflected in the gender gap in pensions; whereas this kind of invisible work is not sufficiently recognised, especially when considering pension entitlements;
- AH. whereas there continues to be a large gender pay gap in the EU; whereas that gap, which stood at 16,3 % in 2014, is caused in particular by discrimination and segregation resulting in the over-representation of women in sectors where pay is lower than in sectors dominated mainly by men; whereas other factors, such as career breaks or entering into involuntary part-time work to combine work and family responsibilities, stereotypes, undervaluing of women's work, and differences in levels of education and professional experience also contribute to the gender pay gap;
- AI. whereas the EU's objective of achieving adequate social protection is enshrined in Article 151 TFEU; whereas the EU should therefore support Member States by making recommendations on improving protection for older people entitled to a pension by virtue of their age or personal situation;
- AJ. whereas the strengthening of the linkage between contributions and earnings, taken together with the increasingly prominent role played by second and third pillar schemes in pension systems, is shifting the risk of the appearance of gender-specific factors in the pension gap towards private-sector providers;
- AK. whereas no *ex ante* or *ex post* gender impact assessments were conducted for the reforms to pension systems laid out in the Commission's white paper on pensions of 2012;
- AL. whereas Member States have sole responsibility for the organisation of public social security systems and pension systems; whereas the EU has primarily a supporting competence in the field of pension schemes, particularly under Article 153 TFEU;

### **General remarks**

1. Calls on the Commission to work closely with the Member States in establishing a strategy for putting an end to the gender gap in pensions in the European Union and helping them to establish Guidelines in that regard;
2. Endorses and supports the Council's call for a new Commission initiative setting out a strategy for equality between women and men for 2016-2020, for this to take the form of a communication as has been the case with previous strategies, and for the EU's strategic engagement on gender equality to be enhanced, linking it closely to the Europe 2020 strategy;
3. Believes that this strategy should seek not only to address at Member State level the impact of the pension gap, in particular on the most vulnerable groups, but also to prevent it in the future by fighting its underlying causes, such as unequal positions between women and men in the labour market in terms of pay, career advancement and opportunities to work full time, as well as labour market segregation; encourages, in this regard, intergovernmental dialogue and best practice sharing among the Members States;
4. Stresses that a multifaceted approach, with a combination of actions under different policies that aim at improving gender equality, is required in order to make a success of the strategy, which must embrace a life-course approach to pensions, taking the whole of the person's working life into account, as well as addressing disparities between men and women in terms of employment level, careers, and possibilities of paying pension contributions, as well as those resulting from the way in which pension systems are organised; calls on the Commission and the Member States to follow up on the Council conclusions of 18 June 2015 entitled 'Equal income opportunities for women and men: closing the gender gap in pensions';
5. Draws attention to the important role played by the social partners in the discussion of issues relating to the minimum wage while respecting the subsidiarity principle; stresses the important role of trade unions and collective bargaining arrangements in ensuring that older people have access to public pensions in line with the principles of solidarity between generations and gender equality; stresses the importance of taking due account of social partners when

Wednesday 14 June 2017

taking political decisions altering significant legal aspects of eligibility conditions for entitlement to pensions; calls on the EU and the Member States, in cooperation with the social partners and gender equality organisations, to set out and implement policies to close the gender pay gap; recommends that the Member States consider carrying out wage-mapping on a regular basis as a complement to these efforts;

6. Calls on the Member States to put in place respectful and poverty-preventing measures for workers whose health does not allow them to work until the legal retirement age; believes that early retirement arrangements should remain in place for workers exposed to arduous or hazardous working conditions; considers that raising employment rates through quality jobs could help to reduce considerably the future increase of people unable to work until the legal retirement age and, thereby, to alleviate the financial burden of ageing;

7. Is deeply concerned by the impact of the austerity-driven Country-Specific Recommendations (CSRs) on pension schemes and their sustainability and on access to contribution-based pensions in a growing number of Member States, and by the negative effects the CSRs have on income levels and on social transfers needed to eradicate poverty and social exclusion;

8. Emphasises that the subsidiarity principle must also be applied strictly in the area of pensions;

***Assessment and awareness-raising for more effective action to address the pension gap***

9. Calls on the Member States and the Commission to continue investigating the gender pension gap and to work together with Eurostat and the European Institute for Gender Equality (EIGE) with a view to developing formal and reliable indicators of the gender pension gap, as well as identifying the various factors behind it in order to monitor it and set clear reduction targets, and to report to the European Parliament; calls on the Member States to provide Eurostat on an annual basis with statistics on the gender pay gap and gender pension gap, in order to make it possible to assess developments throughout the EU and means of addressing the matter;

10. Calls on the Commission to carry out a thorough assessment of the impact on the most vulnerable groups, and on women in particular, of the recommendations of the 2012 White Paper on Pensions, aimed at combating the causes of the gender pension gap, as well as to establish a formal indicator of the gender pension gap and to conduct systematic monitoring; calls for adequate evaluation and gender impact monitoring of the recommendations or measures taken to date; calls on the Commission to support the development of gender-disaggregated statistics and research with a view to enhancing the monitoring and evaluation of the effects of pension reforms on women's prosperity and wellbeing;

11. Calls on the Member States to promote action to close the gender gap in pensions through their social policies, to raise awareness among decision-makers in this area, and to develop programmes that will provide women with more information on the gap's implications for them, as well as with the tools they require with a view to devising sustainable pension funding strategies that are tailored to women's specific needs, as well as on women's access to second and third pillar pensions, particularly in feminised sectors where take-up may be low; calls on the Commission and the Member States to extend and further raise public awareness relating to equal pay and the pension gap, as well as to direct and indirect discrimination against women at work;

12. Reiterates the need for clear harmonised definitions in order to facilitate comparison at EU level of terms such as 'gender pay gap' and 'gender pension gap';

13. Calls for the Member States and the Union institutions to promote studies on the effects of the gender gap on the pensions and financial independence of women, taking account of issues such as the ageing population, gender differences in health conditions and life expectancy, how family structures have changed and the number of single-occupancy homes has risen, and differences in women's personal situations; calls too for them to draw up possible strategies to put an end to the gender pension gap;

Wednesday 14 June 2017

***Reducing inequalities in terms of scope for paying pension contributions***

14. Calls on the Commission and the Member States to ensure that the EU legislation on indirect and direct gender discrimination is properly implemented and its progress systematically monitored, with infringement procedures initiated in case of non-compliance, and possibly revised in order to make sure that men and women are equally able to pay pension contributions;

15. Condemns unequivocally gender pay disparities and their 'inexplicable' component resulting from discrimination at the workplace, and reiterates its call for Directive 2006/54/EC, which has been clearly and sufficiently transposed in only two Member States, to be revised to ensure more equal treatment of men and women in matters of employment and pay, in application of the principle of equal pay for equal work between women and men, which has been guaranteed by the Treaty since the founding of the EEC;

16. Calls on the Member States and the Commission to ensure application of the principle of non-discrimination and equality in the labour market and in access to employment, and, in particular, to adopt social protection measures to ensure that women's pay and welfare entitlements, including pensions, are in line with the principle of equal pay for male and female workers for equal work or for work of equal value; calls on the Member States to establish appropriate measures to curb violations of the principle of equal pay for equal work or for work of equal value for women and men;

17. Urges Member States, employers and trade unions to draft and implement serviceable and specific job evaluation tools to help determine work of equal value and thus ensure that men and women receive equal pay and hence, in the future, equal pensions; encourages firms to carry out annual equal pay audits, to publish the data with the utmost transparency, and to narrow the gender pay gap;

18. Calls on the Commission and the Member States to tackle horizontal and vertical segregation on the labour market by eliminating gender inequalities and discrimination in employment and encouraging, in particular through education and by raising awareness among girls and women to take up studies, jobs and careers in innovative growth sectors which are currently dominated by men as a result of the persistence of stereotypes;

19. Calls on the Commission and the Member States to offer women greater incentives to work for longer and with shorter breaks, in order to increase their degree of economic independence today and in the future;

20. Points to the importance, in a context in which the burden of responsibility for pensions is shifting from state pension systems to self-funded schemes, of ensuring that access to the financial services covered by Directive 2004/113/EC is non-discriminatory and based on unisex actuarial criteria; notes that application of the unisex rule will help reduce the gender pension gap; calls on the Member States and the Commission to increase transparency, access to information and certainty for members and beneficiaries of occupational pension schemes, taking into account the EU's principles of non-discrimination and gender equality;

21. Emphasises that the Court of Justice of the European Union has made it clear that occupational pension schemes are to be considered pay and that the principle of equal treatment therefore applies to those schemes as well;

22. Calls on the Member States to pay special attention to women, who often have not acquired pension rights and therefore lack economic independence, especially in case of divorce;

***Reducing career-related gender inequalities***

23. Welcomes the fact that the Commission responded to its call to improve the reconciliation of professional and private life, by means of non-legislative proposals and a legislative proposal which creates several types of leave with a view to meeting the challenges of the 21st century; stresses that the proposals made by the Commission are a good basis for meeting the expectations of European citizens; calls on all institutions to deliver on this package as soon as possible;

**Wednesday 14 June 2017**

24. Urges Member States to comply with and enforce legislation on maternity rights so that women do not suffer disadvantages in terms of pensions because they have been mothers during their working lives;

25. Calls on the Member States to consider employees being given the possibility to negotiate voluntary flexible working arrangements, including 'smart working', in line with national practice and independently of the age of the children or family situation, thus allowing women and men a better work-life balance, such that they do not have to favour one over the other when assuming care responsibilities;

26. Notes the Commission's proposal for carers' leave in the directive on work-life balance for parents and carers, and recalls its call for adequate remuneration and social protection; encourages the Member States, on the basis of a pooling of best practice, to introduce, to the benefit of both women and men, 'care credits' to offset breaks from employment taken in order to provide informal care to family members and periods of formal care leaves, such as maternity, paternity and parental leave, and to count those credits towards pension entitlements fairly; considers that such credits should be awarded for a short, set period in order not to further entrench stereotypes and inequalities;

27. Calls on the Member States to design strategies for recognising the importance of informal care performed for family members and other dependants and their fair sharing between women and men, the lack of which is a potential cause of career interruptions and precarious work for women, thus jeopardising their pension rights; in this context, stresses the importance of incentives for men to use their parental and paternity leave;

28. Calls on the Member States to enable the transfer of the employee after the maternity or parental leave back to the comparable work arrangement;

29. Points out that a proper work-life balance for men and women cannot be achieved unless local, high-quality, affordable and accessible care facilities for children, the elderly and dependants are available and without encouraging the equal sharing of responsibilities, costs and care; calls on the Member States to increase investment in services for children, emphasises the need for childcare facilities to be available throughout rural areas, and urges the Commission to support the Member States, including through the provision of available EU funding, in creating such facilities in a form that is accessible to all; calls on the Member States not only to meet the Barcelona targets at the earliest opportunity and no later than by 2020, but also to define similar targets for long-term care services, at the same time offering families that prefer a different childcare model the freedom to choose; congratulates those Member States which have already met the two sets of targets;

#### ***Impact of pension systems on the pension gap***

30. Calls on the Member States to assess, on the basis of accurate, comparable data, the impact that their pension systems are having on the pension gap and its underlying factors, in order to combat discrimination and create transparency in the pension systems of the Member States;

31. Stresses that the sustainability of pension systems has to allow for the challenges posed by demographic changes, the ageing of the population, the birth rate, and the ratio between persons in gainful employment and those of pensionable age; recalls that the situation of the latter depends greatly on the number of years for which they have worked and paid contributions;

32. Calls on the Member States, in order to ensure sustainable social security in view of the rising life expectancy in the EU, urgently to carry out necessary structural changes to the pension systems;

33. Calls on the Commission and the Member States to take a closer look at how the pension gap might be affected by a shift from statutory state pensions towards more flexible arrangements in occupational and private schemes for pension contributions, with regard to the calculation of the duration of contribution to the pension system and to arrangements for gradual retirement;

Wednesday 14 June 2017

34. Warns of the risks to gender equality represented by the shift from social security pensions to personal funded pensions, since personal pensions are based on individual contributions and do not compensate for times spent caring for children and other dependent relatives, or for periods of unemployment, sick leave or disability; points to the fact that pension system reforms which link welfare benefits to growth, and to the state of labour and financial markets, focus only on macroeconomic aspects and overlook the social purpose of pensions;

35. Calls on the Member States to remove the elements of their pension systems, and of the reforms implemented, that add to imbalances in pensions (especially gender imbalances such as the existing pension gap), taking into account the gender impact of any future pension reforms, as well as to implement measures to eradicate this discrimination; stresses that any policy changes related to pensions should be measured against their impact on the gender gap, with specific analysis comparing the impact of the proposed changes on women and men, and that this should be a feature of the planning, design, implementation and evaluation processes of public policy;

36. Calls on the Commission to promote the pooling of best practice with a view to identifying both the corrective measures that are most effective and those that can tackle the factors contributing to the pension gap;

37. Calls on the Commission and the Member States to introduce unisex life tariffs in pension schemes and care credits, as well as for derived benefits, so that women can receive equal pension annuities for equal contributions, even if they are expected to live longer than men, and to ensure that female life expectancy is not raised as a pretext for discrimination, more particularly for the calculation of pensions;

38. Calls for a review of all the incentives available under the taxation and pension systems and of their impact on the gender pension gap, with particular emphasis on households headed by single mothers; also calls for the abolition of counterproductive incentives and for the individualisation of entitlements;

39. Highlights the important role played by survivor's pensions in protecting and safeguarding many older women from the higher risk of poverty and social exclusion they face compared to older men; calls on the Member States to reform, where necessary, their systems for survivor's pensions and widow's pensions in order not to penalise unmarried women; calls on the Member States, supported by the Commission, to study the effects of different systems providing survivor's pensions in light of the high rates of divorce, the incidence of poverty among non-married couples and the social exclusion of older women, and to consider providing for legal instruments to ensure shared pension rights in divorce cases;

40. Highlights the fact that all people have the right to a universally accessible public pension, and recalls that Article 25 of the Charter of Fundamental Rights of the European Union enshrines the rights of the elderly to lead a life of dignity and independence, and that Article 34 of the Charter recognises the entitlement to social security benefits and social services that ensure protection in the event of maternity, illness, industrial accident, disability, dependency on long-term care, old age, or loss of employment; points to the importance of public social security systems funded by contributions as an important component of adequate pension provision;

41. Calls on the Member States to ensure that both men and women have the chance to achieve full contribution periods, and likewise to ensure everyone's right to a pension, with a view to closing the pension gap by fighting gender discrimination in employment, adjusting education and career planning, improving work-life balance and enhancing investment in childcare and care of the elderly; considers that establishing sound regulations on health and safety in the workplace that take account of gendered occupational as well as psychosocial risks, investing in public employment services that are able to guide women of all ages in search of employment, and introducing flexible rules for transitioning from work into retirement is also relevant;

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**Wednesday 14 June 2017**

42. Points out that in its General Comment No 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the UN Committee on Economic, Social and Cultural Rights set out the requirements of Article 3 in relation to Article 9 of the ICESCR, including the requirement of equalising the compulsory retirement age for both men and women and of ensuring that women benefit equally under public and private pension schemes;

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

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Wednesday 14 June 2017

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**2016 Report on Serbia****European Parliament resolution of 14 June 2017 on the 2016 Commission Report on Serbia (2016/2311(INI))**

(2018/C 331/09)

*The European Parliament,*

- having regard to the Presidency conclusions of the Thessaloniki European Council meeting of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to Council Decision 2008/213/EC of 18 February 2008 on the principles, priorities and conditions contained in the European Partnership with Serbia and repealing Decision 2006/56/EC <sup>(1)</sup>,
- having regard to the Commission opinion of 12 October 2011 on Serbia's application for membership of the European Union (SEC(2011)1208), the European Council's decision of 2 March 2012 to grant Serbia candidate status and the European Council's decision of 27-28 June 2013 to open negotiations with Serbia,
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and the Republic of Serbia, which entered into force on 1 September 2013,
- having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,
- having regard to the declaration and recommendations adopted at the fifth EU-Serbia Stabilisation and Association Parliamentary Committee meeting of 22-23 September 2016,
- having regard to the Report on Enterprise and Industry Policy adopted on 7 October 2016 by the EU-Serbia Civil Society Joint Consultative Committee,
- having regard to the OSCE/ODHIR limited election observation mission final report on early parliamentary elections in Serbia of 29 July 2016,
- having regard to the Commission's 2016 report on Serbia of 9 November 2016 (SWD(2016)0361),
- having regard to the Commission's assessment on the Economic Reform Programme of Serbia (2016-2018) (SWD(2016)0137),
- having regard to the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 26 May 2016 (9500/2016),
- having regard to the Presidency conclusions of 13 December 2016,
- having regard to the third meeting of the EU-Serbia Stabilisation and Association Council held on 13 December 2016,
- having regard to its resolution of 4 February 2016 on the 2015 Report on Serbia <sup>(2)</sup>,

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<sup>(1)</sup> OJ L 80, 19.3.2008, p. 46.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0046.



Wednesday 14 June 2017

- having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0063/2017),
- A. whereas Serbia, like every country aspiring to EU membership, must be judged on its own merits in terms of fulfilling, implementing and complying with the same set of criteria and whereas the quality of and the dedication to the necessary reforms determines the timetable for accession;
- B. whereas Serbia's progress under rule of law chapters 23 and 24 and in the process of normalisation of relations with Kosovo under chapter 35 remains essential for the overall pace of the negotiating process, in line with the Negotiating Framework;
- C. whereas Serbia has taken important steps towards the normalisation of relations with Kosovo, resulting in the First Agreement on the Principles of Normalisation of Relations of 19 April 2013 and the August 2015 agreements, but there is still a lot to be done in this regard; whereas further steps are urgently needed in order to deal with, move forward on and solve all pending issues between the two countries;
- D. whereas Serbia has remained committed to creating a functioning market economy and has continued to implement the Stabilisation and Association Agreement (SAA);
- E. whereas the implementation of the legal framework on the protection of minorities needs to be fully ensured, notably in the areas of education, use of language, access to media and religious services in minority languages, and adequate political representation of national minorities at local, regional and national levels;
1. Welcomes the opening of negotiations on Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) as the key chapters in the EU approach to enlargement based on the rule of law, as progress on these chapters remains essential for the overall pace of the negotiation process; welcomes the opening of Chapters 32 (Financial Control) and 35 (Other Issues), the opening of negotiations on Chapter 5 (Public Procurement) and the opening and provisional closure of Chapter 25 (Science and Research), the opening of negotiations on Chapter 20 (Enterprise and Industrial Policy) and the opening and provisional closure of Chapter 26 (Education and Culture); looks forward to the opening of additional chapters that have been technically prepared;
2. Welcomes the continued engagement of Serbia on the path of integration into the EU and its constructive and well-prepared approach to the negotiations, which is a clear sign of determination and political will; calls on Serbia to continue to actively promote and communicate this strategic decision among the Serbian population, including by promoting enhanced awareness of Serbian citizens about funding from the EU budget directed to Serbia; invites the Serbian authorities to refrain from anti-EU rhetoric and messages directed at the public; underlines the need for informed, transparent and constructive debates on the EU, its institutions and the implications of membership; takes note of improvements in dialogue and public consultations with relevant stakeholders and civil society as well as their engagement in the EU integration process;
3. Underlines that the thorough implementation of reforms and policies remains a key indicator of a successful integration process; commends the adoption of the revised National Programme for the Adoption of the Acquis (NPAA); calls on Serbia to improve the planning, coordination and monitoring of the implementation of new legislation and policies, setting up an adequate and efficient administrative capacity, and to undertake further efforts to ensure the systematic inclusion of civil society in policy dialogues, including in the accession process, as a tool to improve the standards of democratic governance; welcomes the continued initiatives by the Government Office for Cooperation with Civil Society aimed at improving cooperation between the state and the civil sector;
4. Notes delays in the absorption of pre-accession aid, also due to the inadequate institutional framework; urges the authorities to seek positive examples and best practices among the Member States; underlines the need to establish a more effective and comprehensive institutional system at national, regional and local level, for the absorption of IPA (Instrument for Pre-Accession Assistance) and other available funds;

Wednesday 14 June 2017

5. Welcomes the progress made by Serbia in developing a functioning market economy and the improvement of the overall economic situation in the country; stresses that Serbia has made good progress in addressing some of its policy weaknesses, in particular with regard to the budget deficit which is now below the level set in the Maastricht criteria; highlights that growth prospects have improved and domestic and external imbalances have been reduced; welcomes the fact that the restructuring of publicly owned enterprises has advanced, particularly in the field of energy and railway transportation, and underlines the importance of their professional management in order to make them more effective, competitive and economic; underlines the significance of public sector employment in Serbia and the importance of respecting the rights of workers;

6. Takes note of the results of the presidential elections held on 2 April 2017; strongly condemns the rhetoric used during the presidential campaign by government officials and pro-government media against other presidential candidates; regrets the uneven access of candidates to the media during the election campaign as well as the parliament recess during the campaign, denying opposition politicians a public forum; calls on the authorities to properly investigate claims of various types of irregularities, violence and intimidation during the elections; recognises the protests which were taking place at that time in various Serbian cities and encourages the authorities to consider their demands in line with democratic standards and the spirit of democracy;

7. Underlines the paramount role of small and medium-sized enterprises (SMEs) for Serbia's economy and invites Serbia to further improve the business environment for the private sector; calls for the Serbian Government and the EU institutions to expand their funding opportunities for SMEs, especially in the field of IT and the digital economy; commends Serbia's efforts concerning dual and vocational education in order to address youth unemployment and underlines the importance of organising training more in keeping with labour market demand; encourages Serbia to promote entrepreneurship, particularly among young people; notes the unfavourable demographic trends and the 'brain drain' phenomenon and calls on Serbia to introduce national programmes to promote youth employment;

8. Welcomes the conduct of the parliamentary elections on 24 April 2016 which were assessed positively by the international observers; calls on the authorities to fully address the recommendations of the OSCE/ODIHR election observation mission, in particular with regard to biased media coverage, an undue advantage for incumbents, a blurring of the distinction between state and party activities, the registration process and the lack of transparency of the financing of political parties and of the election campaign; stresses that the funding of political parties must be in accordance with the highest international standards; calls on the authorities to properly investigate claims of irregularities, violence and intimidation that arose during the electoral process; calls on Serbia to ensure fair and free elections in April 2017;

9. Notes that Prime Minister Aleksandar Vučić received 55,08 % of the vote in the presidential election of 2 April 2017; stresses that a multiparty delegation from the Parliamentary Assembly of the Council of Europe (PACE) observed the election, and that the OSCE/ODIHR deployed an election assessment mission (EAM);

10. Reiterates its call on Serbia, in line with the requirements of its candidate status, to progressively align its foreign and security policy with that of the EU, including its policy on Russia; considers the conduct of joint Serbia-Russia military exercises regrettable; is concerned about the presence of Russian air facilities in Nis; regrets that in December 2016 Serbia was one of 26 countries that did not support the resolution on Crimea at the United Nations calling for an international observation mission on the human rights situation in the peninsula; welcomes Serbia's important contribution to several EU CSDP missions and operations (EUTM Mali, EUTM Somalia, EUNAVFOR Atalanta, EUTM RCA) and its continued participation in international peacekeeping operations; strongly encourages and supports Serbia in negotiating WTO accession;

11. Commends Serbia's constructive and humanitarian approach in dealing with the migration crisis; invites Serbia to foster this constructive approach also with neighbouring countries; takes positive note of the fact that Serbia has made substantial efforts to ensure that third country nationals receive shelter and humanitarian supplies with EU and international support; stresses that Serbia should adopt and implement the new asylum law; calls on the Serbian authorities to continue to provide all refugees and migrants with basic services such as adequate housing, food, sanitation and

Wednesday 14 June 2017

healthcare; calls on the Commission and the Council to provide continued support for Serbia in addressing migration challenges and to closely monitor the application of financial subsidies for the organisation and handling of migration flows; encourages Serbia to sustain the decreasing trend of asylum seekers coming into the EU from Serbia; calls on Serbia to fully respect the rights of asylum applicants in Serbia and to ensure that unaccompanied and separated minors are identified and protected; calls on the Commission to continue the work on migration with all the countries of the Western Balkans in order to ensure that European and international norms and standards are followed;

### ***Rule of law***

12. Notes that, while some progress has been made in the area relating to the judiciary, in particular by taking steps to harmonise jurisprudence and further promoting a merit-based recruitment system, judicial independence is not assured in practice, and this prevents judges and prosecutors from implementing the adopted legislation; calls on the authorities to bring the constitutional and legislative framework into line with European standards in order to reduce political influence in the recruitment and appointment of judges and prosecutors; stresses that the quality and efficiency of the judiciary and access to justice remain under constraints due to an uneven distribution of the workload, a burdensome case backlog and the lack of a free legal aid system, which needs to be established; calls for the implementation of the rulings of the European Court of Human Rights;

13. Is concerned by the lack of progress in the fight against corruption and urges Serbia to show clear political will and commitment in tackling this issue, also by enhancing and fully enforcing the legal framework; calls on Serbia to step up the implementation of the national anti-corruption strategy and action plan, and calls for the establishment of an initial track record on investigations, prosecutions and convictions for high-level corruption; welcomes the progress on the finalisation of the draft law on the Anti-Corruption Agency and the implementation of the activities on the prevention of and fight against corruption envisaged through the newly established EU twinning project; urges Serbia to amend and implement the economic and corruption crimes section of the criminal code with a view to providing a credible and predictable criminal law framework; is concerned about repeated leaks to the media regarding ongoing investigations; calls on the Serbian authorities to investigate seriously several high-profile cases where evidence of alleged wrongdoings has been presented by journalists; reiterates its call for proper reform of the offence of abuse of office and abuse of responsible position so as to prevent possible misuse or arbitrary interpretation; stresses that the excessive recourse to the provision on abuse of office in the private sector is harmful to the business climate and hampers legal certainty; calls on Serbia to guarantee the neutrality and continuity of the public administration;

14. Welcomes Serbia's active role in international and regional police and judicial cooperation, the progress made in the fight against organised crime and the adoption of Serbia's first national serious and organised crime threat assessment (SOCTA); calls on Serbia to step up efforts to investigate wider criminal networks, improve financial investigations and intelligence-led policing and develop a solid track record of final convictions; calls on Serbia to fully implement the law of February 2016 on the police, to align with EU rules on the confiscation of criminal assets and to establish a secure platform to exchange intelligence between law enforcement agencies; welcomes the recent changes to the law on public property and stresses that its transparent and non-discriminatory implementation must be ensured, and that further measures must be adopted to fully establish legal clarity over property rights; calls for additional efforts in addressing the issue of the scope, implementation and implications of the Law on the Organisation and Competences of State Authorities in War Crime Proceedings; calls on the authorities to address cases of excessive use of power by police against citizens; has taken note, with concern, of the controversial events in Belgrade's Savamala district, with regard in particular to the demolition of private property; expresses concern that one full year has passed without any advances in the investigation, and calls for its swift resolution and for full cooperation with the judicial authorities in the investigations to bring perpetrators to justice; calls on the Serbian Ministry of Interior and the Belgrade city authorities to fully cooperate with the public prosecutor in this case; calls on the authorities to refrain from accusations, pressure and attacks directed at members of the 'Let's not drown Belgrade' civil movement;

Wednesday 14 June 2017

15. Welcomes Serbia's active role in the fight against terrorism, and recalls that Serbia criminalised already in 2014 the activities of foreign fighters in line with UN Security Council Resolution 2178 (2014); urges the adoption of the national strategy to prevent and fight terrorism finalised in March 2016; calls on Serbia to fully implement the recommendations of the evaluation report of the Council of Europe's Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval), and in particular the Financial Action Task Force (FATF) recommendations on terrorist financing and money laundering; welcomes Serbia's continued international and regional cooperation in the fight against drugs but stresses that further efforts are needed in order to track down and prosecute criminal networks involved in trafficking of human beings; considers that a regional strategy and enhanced cooperation in the region are essential to tackle corruption and organised crime;

### **Democracy**

16. Welcomes the measures taken to improve transparency and the consultation process within the parliament, including public hearings and regular meetings and consultations with the National Convent on European Integration, especially as they are important parts of the negotiation procedure; remains concerned about the extensive use of urgent procedures in adopting legislation; stresses that the frequent use of urgent procedures and last minute changes to the parliamentary agenda undermine parliamentary effectiveness, quality and transparency of the law-making process, while not always allowing for sufficient stakeholder and wider public consultation; underlines that the parliament's oversight of the executive needs to be strengthened; calls for better coordination at all levels and immediate adoption of the parliament's code of conduct; regrets that, due to disruption, the Head of the EU Delegation to Serbia was not able to present the Commission's report in the European Integrations Committee of the Serbian Parliament; stresses that the Head of the EU Delegation should be able to present this report without undue obstacles and that this will also enable proper oversight of the accession process by the Serbian Parliament;

17. Notes that the constitution needs to be revised so as to fully reflect the recommendations of the Venice Commission, notably with regard to the parliament's role in judicial appointments, the control of political parties over the mandate of Members of Parliament, the independence of key institutions and the protection of fundamental rights;

18. Welcomes the adoption of the public financial management reform programme, e-government strategy, a strategy on regulatory reform and policy-making, new laws on general administrative procedures, public salaries and civil servants at provincial and local government level; notes that the implementation of the public administration reform action plan has been slow in some areas, and that no progress has been made in amending the legal framework for central government civil servants; underlines that more effort is needed to further professionalise and depoliticise the administration and make recruitment and dismissal procedures more transparent;

19. Reiterates the importance of independent regulatory bodies such as the Ombudsman, the Commissioner for Information of Public Importance and Personal Data Protection, the State Audit Institution, the Anti-Corruption Agency and the Anti-Corruption Council in ensuring oversight and accountability of the executive; stresses the need for transparency and accountability of state institutions; calls on the authorities to fully protect the independence of these regulatory bodies, to provide full political and administrative support for their work and to ensure proper follow-up of their recommendations; calls on the authorities to refrain from accusations and unfounded political attacks directed at the Ombudsman;

20. Underlines the necessity of ensuring an accessible education system with a full and balanced curriculum, including on the importance of human rights and anti-discrimination, and work and training opportunities for young people, and of promoting European study programmes, such as the Erasmus programme;

### **Human rights**

21. Underlines that the legislative and institutional framework for observance of international human rights law is in place; stresses that consistent implementation across the whole country is needed; notes that further sustained efforts are needed to improve the situation of persons belonging to vulnerable groups, including Roma, persons with disabilities, persons with HIV/AIDS, LGBTI persons, migrants and asylum seekers, and ethnic minorities; underlines the need for the

**Wednesday 14 June 2017**

Serbian authorities, all political parties and public figures to promote a climate of tolerance and inclusion in Serbia; calls on the authorities to ensure proper implementation of the adopted anti-discrimination legislation, especially with regard to hate crimes; expresses its concerns on the Law on Rights of Civilian Victims of War, which excludes some groups of victims of violence during the conflict, and calls on the authorities to review this law;

22. Reiterates its concern that no progress has been made to improve the situation regarding freedom of expression and self-censorship of the media, which is a worsening phenomenon; stresses that political interference, threats, violence and intimidation against journalists, including physical assaults, verbal and written threats and attacks on property, remain an issue of concern; calls on the authorities to publicly and unequivocally condemn all attacks, to provide adequate resources to investigate more proactively all cases of attacks against journalists and media outlets and to swiftly bring the perpetrators to justice; expresses concern for the fact that civil defamation lawsuits and smear campaigns are disproportionately targeting critical media outlets and journalists and for the possible impact on media freedom of decisions of the judiciary with regard to defamation; expresses concern at a negative campaign against investigative journalists reporting about corruption, and calls on government officials to refrain from engaging in such campaigns; calls for the full implementation of media laws; welcomes the signing of the agreement on cooperation and protection of journalists between prosecutors, police and journalists and media associations and looks forward to its implementation; underlines the need for complete transparency in media ownership and funding of media; encourages the government to guarantee the independence and financial sustainability of both public service media organisations and the financial viability of media content in minority languages, and to increase the role of public broadcasters in this area;

23. Is concerned that the Law on Advertising was adopted in 2015 without proper public consultation, abolishing important provisions such as the ones related to the prohibition of the advertising of public authorities and of political advertising outside election campaigns;

24. Deplores the requirement for the use of IPA funds which demands that civil society organisations (CSOs) become partners with the state in order for their applications to be successful;

25. Condemns the government's and the government-managed media's negative campaign against CSOs; is concerned about the governmental setting up of fictitious CSO institutions in opposition to independent CSOs; finds it unacceptable that partnership with the government is needed in order for CSOs' applications for IPA funds to be successful;

### ***Respect for and protection of minorities***

26. Reiterates that the promotion and protection of human rights, including the rights of national minorities, is a basic precondition for joining the EU; welcomes the adoption of an action plan for the realisation of the rights of national minorities, and the adoption of a decree establishing a fund for national minorities, which needs to be made operational; calls for the full implementation of the action plan and its annex in a comprehensive and transparent manner, with the constructive engagement of all sides; reiterates its call on Serbia to ensure consistent implementation of legislation on protection of minorities and to pay particular attention to non-discriminatory treatment of national minorities throughout the country, including in relation to education, use of languages, adequate representation in the judiciary, public administration, the national parliament and local and regional bodies, and access to media and religious services in minority languages; welcomes the adoption of new educational standards for the teaching of Serbian as a non-mother tongue and the progress in translation of school textbooks into minority languages, and encourages the Serbian authorities to ensure the sustainability of these processes; invites Serbia to fully implement all international treaties concerning minority rights;

27. Notes that Vojvodina's multiethnic, multicultural and multiconfessional diversity also contributes to Serbia's identity; underlines that Vojvodina has maintained a high degree of protection for minorities and that the inter-ethnic situation has remained good; stresses that the autonomy of Vojvodina should not be weakened and that the law on Vojvodina's resources should be adopted without further delay, as prescribed by the constitution; welcomes the achievement of the Serbian city of Novi Sad selected to be a European Capital of Culture, in 2021;



Wednesday 14 June 2017

28. Notes the adoption of the new Roma social inclusion strategy 2016-2025, which covers education, health, housing, employment, social protection, anti-discrimination and gender equality; calls for the full and swift implementation of the new strategy for Roma inclusion, as they are the weakest, most marginalised and most discriminated against group in Serbia, for urgent adoption of the action plan and for the establishment of a body to coordinate implementation of the action plan; condemns the demolition of informal Roma settlements by the authorities, without notification or offers of alternative accommodation; is extremely concerned about the non-issuance of personal documents to Roma people, which restricts their fundamental rights; is of the opinion that all the above-mentioned issues lead to a large number of Roma people from Serbia seeking asylum in the EU;

### ***Regional cooperation and good neighbourly relations***

29. Welcomes the fact that Serbia remains constructively committed to bilateral relations with other enlargement countries and neighbouring EU Member States; encourages Serbia to strengthen its proactive and positive engagement with its neighbours and the wider region, to promote good neighbourly relations and to intensify efforts with neighbouring countries to solve bilateral issues in accordance with international law; reiterates its call on the authorities to facilitate access to archives that concern the former republics of Yugoslavia; calls on Serbia to fully implement bilateral agreements with neighbouring countries; underlines that outstanding bilateral disputes should not have a detrimental effect on the accession process; encourages Serbia to enhance cooperation with the neighbouring EU Member States, in particular on border areas, in order to facilitate economic development;

30. Takes positive note of the fact that Serbia has shown an increasingly constructive engagement in regional cooperation initiatives such as the Danube Strategy, the South-East Europe Cooperation Process, the Regional Cooperation Council, the Central European Free Trade Agreement, the Adriatic-Ionian Initiative, the Brdo-Brijuni process, the Western Balkan Six initiative and its connectivity agenda and the Berlin process; welcomes the meeting of the Bulgarian, Romanian and Serbian Prime Ministers on energy and transport infrastructure cooperation and supports the idea of a permanent format of the 'Craiova Group' meetings; stresses the importance of the regional Youth Cooperation Office of the Western Balkans in promoting reconciliation; calls on Serbia to implement the connectivity reform measures associated with the connectivity agenda and the conclusions of the 2016 Paris conference on the Western Balkans and TEN-T regulation; commends the role of the Chamber of Commerce and Industry of Serbia in promoting regional cooperation and contributing to setting up the Western Balkans Chamber Investment Forum;

31. Welcomes the adoption of a national strategy for the investigation and prosecution of war crimes; calls on Serbia to promote a climate of respect and tolerance and condemn all forms of hate speech, public approval and denial of genocide, crimes against humanity and war crimes; notes that the mandate of the former War Crimes Prosecutor expired in December 2015; stresses that the appointment of his successor is a matter of serious concern; calls for the implementation of this national strategy and the adoption of an operational prosecutorial strategy in line with the principles and rules of international law and international standards; calls for enhanced regional cooperation in handling war crimes and solving all outstanding issues in this respect, including through cooperation between the War Crimes Prosecutors' Offices in the region on issues of mutual concern; calls for full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), which remains essential; calls for war crimes to be handled without any discrimination, addressing impunity and ensuring accountability; urges the authorities to continue working on the issue of the fate of missing persons, locating mass graves and guaranteeing the rights of victims and their families; reiterates its support for the initiative to establish the regional Commission for the establishment of facts about war crimes and other serious violations of human rights committed in the former Yugoslavia and urges the Serbian Government to take the lead on its establishment;

32. Expresses its concern about the participation of some high-ranking Serbian officials in the 9 January 2017 celebrations of the Day of Republika Srpska, which were held in defiance of Bosnia and Herzegovina Constitutional Court decisions; stresses that both Serbia, as a candidate country, and Bosnia and Herzegovina, as a potential candidate, should defend and promote the rule of law by their actions; calls on the Serbian authorities to support constitutional reforms in Bosnia and Herzegovina in order to strengthen the country's capacity to function and participate in EU accession talks;

**Wednesday 14 June 2017**

33. Commends the opening of three new border-crossing points between Serbia and Romania as a positive development and recommends the opening of the three delayed border-crossing points with Bulgaria at Salash–Novo Korito, Bankya–Petachinci and Treklyano–Bosilegrad;

34. Commends both Serbia and Albania for their continued commitment to improving bilateral relations and strengthening regional cooperation on the political and societal level, for example through the Regional Youth Cooperation Office (RYCO), headquartered in Tirana; encourages both countries to continue their good cooperation in order to promote reconciliation in the region;

35. Welcomes Serbia's continued engagement in the normalisation process with Kosovo, and its commitment to the implementation of the agreements reached in the EU-facilitated dialogue; reiterates that progress in the Dialogue should be measured in terms of its implementation on the ground; calls, therefore, on both parties to move forward with the full implementation, in good faith and in a timely manner, of all the agreements already reached and to determinedly continue the normalisation process, including the question of the Community of Serbian Municipalities; encourages Serbia and Kosovo to identify new areas of discussion for the dialogue, with the aim of improving the lives of people and comprehensively normalising relations; reiterates its call on the European External Action Service (EEAS) to carry out an evaluation of the performance of the sides in fulfilling their obligations;

36. Regrets, nevertheless, the decision taken by the Serbian authorities not to allow former President of Kosovo Atifete Jahjaga to attend the 'Mirëdita, Dobar Dan' festival in Belgrade, at which she had been invited to deliver a speech on victims of sexual violence during the war in Kosovo; regrets also the subsequent reciprocity measure adopted by the Kosovan authorities to ban Serbia's Minister of Labour Aleksandar Vulin from entering Kosovo; stresses that such decisions are in breach of the Brussels Agreement on freedom of movement concluded by Serbia and Kosovo within the framework of the process of normalisation of the relations between the two countries;

37. Expresses serious concern at the recent tensions between Serbia and Kosovo regarding the first train journey from Belgrade to Mitrovica North, including warmongering statements and anti-EU rhetoric; stresses the need for both Belgrade and Pristina to refrain from any action that might jeopardise the progress achieved so far and to refrain from provocative steps and unhelpful rhetoric that could hamper the normalisation process;

38. Welcomes the Serbian authorities' support of Montenegro in its investigation into the failed attacks planned for the day of Montenegro's elections in 2016; notes that the Serbian authorities have arrested two suspects following the issuing of an arrest warrant by Montenegro; encourages the Serbian authorities to continue to cooperate with Montenegro to arrange for the suspects' extradition to Montenegro in accordance with the terms of the countries' bilateral agreement on extradition;

39. Calls on the Commission to make further efforts to support a true reconciliation process in the region, notably through support for cultural projects dealing with the recent past and promoting a common and shared understanding of history and a public and political culture of tolerance, inclusion and reconciliation;

## **Energy**

40. Calls on Serbia to fully implement the connectivity reform measures in the energy sector; encourages Serbia to develop competition in the gas market and to take measures to improve alignment with the acquis in the fields of energy efficiency, renewable energy and the fight against climate change, including the adoption of a comprehensive climate policy; calls for the ratification of the Paris climate agreement; calls for the development of a hydropower strategy for the Western Balkans as a whole in line with EU environmental legislation and calls on the authorities to use additional EU funding of EUR 50 million to develop the region's hydropower potential; commends Serbia for establishing the financing system for the environment via the Green Fund; stresses the need to develop Serbia's gas and electricity interconnections with its neighbours; encourages Serbia to speed up technical and budgetary preparations for the Bulgaria-Serbia gas interconnector;



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**Wednesday 14 June 2017**

41. Points out that Serbia has yet to adopt formally the Water Management Strategy and has not yet revised the Law on Waters and the National Danube River Basin Management Plan; stresses that these laws are of fundamental importance for further alignment with the EU acquis and for improving the implementation of the EU directives in the water sector;

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

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Wednesday 14 June 2017

P8\_TA(2017)0262

## 2016 Report on Kosovo

**European Parliament resolution of 14 June 2017 on the 2016 Commission Report on Kosovo (2016/2314(INI))**  
(2018/C 331/10)

*The European Parliament,*

- having regard to the Presidency conclusions of the Thessaloniki European Council meeting of 19 and 20 June 2003 concerning the prospect of the Western Balkan countries joining the European Union,
- having regard to the Stabilisation and Association Agreement between the EU and Kosovo, which entered into force on 1 April 2016,
- having regard to the signing of a framework agreement with Kosovo on participation in Union programmes,
- having regard to the First Agreement of Principles Governing the Normalisation of Relations, signed by Prime Ministers Hashim Thaçi and Ivica Dačić on 19 April 2013, and to the Implementation Action Plan of 22 May 2013,
- having regard to Council Decision (CFSP) 2016/947 of 14 June 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo),
- having regard to the reports of the Secretary-General of the United Nations on the ongoing activities of the UN Interim Administration Mission in Kosovo (UNMIK) and developments relating thereto, including the latest report released on 26 October 2016, and to the Security Council debate on UNMIK held on 16 November 2016,
- having regard to the 2016 Commission Communication of 9 November 2016 on EU Enlargement Policy (COM(2016)0715),
- having regard to the Commission's 2016 report on Kosovo of 9 November 2016 (SWD(2016)0363),
- having regard to the Commission assessment of 18 April 2016 on the Kosovo Economic Reform Programme 2016-2018 (SWD(2016)0134),
- having regard to the Joint Conclusions of the Economic and Financial Dialogue between the EU and the Western Balkans and Turkey of 26 May 2016 (9500/2016),
- having regard to the European Reform Agenda launched on 11 November 2016 in Pristina,
- having regard to the Presidency conclusions of 13 December 2016 on the enlargement and stabilisation and association process,
- having regard to the conclusions of the General Affairs Council meetings of 7 December 2009, 14 December 2010 and 5 December 2011, which stressed and reaffirmed, respectively, that Kosovo, without prejudice to the Member States' position on its status, should also benefit from the prospect of eventual visa liberalisation once all the conditions had been met,
- having regard to the Commission proposal for a regulation on visa liberalisation for people from Kosovo of 1 June 2016 (COM(2016)0277) and to the fourth Commission report of 4 May 2016 on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap (COM(2016)0276),

Wednesday 14 June 2017

- having regard to UN Security Council Resolution 1244 (1999), to the International Court of Justice (ICJ) Advisory Opinion of 22 July 2010 on the accordance with international law of the unilateral declaration of independence in respect of Kosovo, and to UN General Assembly Resolution 64/298 of 9 September 2010, which acknowledged the content of the ICJ opinion and welcomed the EU's readiness to facilitate dialogue between Serbia and Kosovo,
  - having regard to the joint statements of the EP-Kosovo interparliamentary meetings of 28-29 May 2008, 6-7 April 2009, 22-23 June 2010, 20 May 2011, 14-15 March 2012, 30-31 October 2013 and 29-30 April 2015, to the declarations and recommendations adopted at the first and second meetings of the EU-Kosovo Stabilisation and Association Parliamentary Committee of 16-17 May 2016 and 23-24 November 2016 respectively, and to the first meeting of the Stabilisation and Association Council held on 25 November 2016,
  - having regard to its previous resolutions,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0062/2017),
- A. whereas 114 of the 193 UN member states, including 23 of the 28 EU Member States, recognise Kosovo's independence;
- B. whereas (potential) candidate countries are judged on their own merits, and whereas the speed and quality of the necessary reforms determines the timetable for accession;
- C. whereas the EU has repeatedly reiterated its willingness to assist in the economic and political development of Kosovo through a clear European perspective, in line with the European perspective of the region and Kosovo has shown aspiration in its path towards European integration;
- D. whereas the EU has placed the rule of law, fundamental rights, the strengthening of democratic institutions, including public administration reform, as well as good neighbourly relations, economic development and competitiveness, at the core of its enlargement policy;
- E. whereas more than 90 % of Kosovars fears unemployment and more than 30 % receives between EUR 0 and 120 per month;
1. Welcomes the entry into force of the EU-Kosovo Stabilisation and Association Agreement (SAA) on 1 April 2016 as the first contractual relationship and an essential step in order to continue the process of the integration of Kosovo into the EU; welcomes the launch of the European Reform Agenda on 11 November 2016 and the adoption of the national strategy for the implementation of the SAA as a platform to facilitate implementation of the SAA and calls on Kosovo to continue to show clear political will and determination to implement the agreed roadmap including the setting up of the coordination mechanism for the implementation of the SAA, and to seize the positive momentum created by the SAA, in order to implement and institutionalise reforms and improve the socio-economic development of Kosovo, to establish cooperation with the EU in numerous areas, which would also further Kosovo's trade and investment integration, to advance relations with neighbouring countries and to contribute to stability in the region; calls on the government of Kosovo to focus on the implementation of the comprehensive reforms that are required to meet its obligations under the SAA; welcomes the holding of the Second Stabilisation and Association Parliamentary Committee on 23-24 November 2016, and the holding of the first meeting of the EU-Kosovo Association and Stabilisation Council on 25 November 2016; notes how free, fair and transparent early general elections and municipal elections in in the second part of 2017 are crucial for the democratic future of Kosovo as well as for the future of its EU integration process;
2. Welcomes the overall peaceful and orderly conduct of the early general elections of 11 June 2017; regrets, nevertheless, that, due in part to the short time available, some of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) recommendations of 2014 were not addressed; expresses its concern at the problems observed by EU monitors during the election campaign with regard, in particular, to the disruptive interference of some political parties in the independence of the media, both private and public, and to the threats and acts of intimidation against members and candidates of the Kosovo Serbian community in competition with the Srpska Lista; urges parties to swiftly form

**Wednesday 14 June 2017**

a government to continue Kosovo's path towards the EU and to commit to ratifying a border demarcation agreement with Montenegro and to continuing to build up a track record of convictions for high-level corruption and organised crime with a view to paving the way for visa-free travel for Kosovan citizens;

3. Expresses concern at the persistent extreme polarisation of the political landscape; calls on all the parties to show responsibility and ownership and to create the conditions for a fruitful, solution and result-oriented dialogue with a view to defusing tension and reaching a sustainable compromise aimed at facilitating the progress of the country on its European path;

4. Urges the leaders of the Kosovo-Serbian community to take full ownership of their place and role in the institutions of the country, acting independently from Belgrade and constructively for the benefit of all the people of Kosovo, while urging Kosovo to continue to support the access of Kosovo Serbs to Kosovo institutions; welcomes in this regard the integration of Kosovo Serb judicial personnel, police and civil protection into the Kosovo system; calls on Kosovo authorities to continue to build mutual trust between communities while promoting their economic integration;

5. Condemns in the strongest terms the violent disruption of activities by some members of the opposition which occurred in the parliament of Kosovo in the first half of 2016 and welcomes the return of the opposition to participate in Assembly proceedings on most issues, as well as the constructive involvement of all members of the joint parliamentary delegation of the European Parliament and the Kosovo Assembly during the last part of the outgoing legislature; stresses the importance of political dialogue, the active and constructive participation of all political parties in the decision-making processes and unhindered parliamentary business as essential conditions for progress in the integration process to the EU;

6. Underlines that the path towards EU integration requires a strategic long-term vision and sustained commitment in the adoption and implementation of the necessary reforms;

7. Notes that five Member States have not recognised Kosovo; stresses that recognition would be beneficial to the normalisation of relations between Kosovo and Serbia and increase the EU's credibility in its own external policy; takes positive note of the constructive approach of all Member States in facilitating and strengthening the relations between the EU and Kosovo in order to foster socio-economic development, the rule of law and democratic consolidation for the benefit of the people of Kosovo; encourages a positive approach with regard to Kosovo's participation in international organisations;

8. Welcomes the proposal by the Commission to grant visa liberalisation, which would be a very positive step for Kosovo on the path to European integration; positively notes the decrease of asylum requests by Kosovo citizens in both EU and Schengen Associated countries and welcomes the introduction of the Reintegration Fund and reintegration programmes for returned Kosovo citizens; expresses concern at the stalemate in the outgoing Assembly with regard to the ratification of the demarcation agreement with Montenegro, and stresses that visa liberalisation can only be granted once Kosovo has fulfilled all criteria, including in relation to building up a track record of high-level convictions for corruption and organised crime, which has been greatly aided by the IT tracking mechanism for high-profile cases that Kosovo uses for high-level crimes, a mechanism that should also be extended to other criminal cases; calls, therefore, on the authorities to step up efforts to tackle the issues of money laundering, drug trafficking, trafficking in human beings, the arms trade and illegal possession of weapons;

9. Considers it vital that Kosovo's foreign and security policy should be aligned with the EU's Common Foreign and Security Policy;

10. Welcomes the progress made in implementing the various agreements signed since August 2016 in the normalisation process with Serbia, following months of little to no progress; emphasises that the full implementation of the agreements is essential for further successful evolution of the Pristina-Belgrade dialogue; calls on both Kosovo and Serbia to show more engagement and sustained political will as regards the normalisation of relations and to refrain from any actions that would jeopardise the progress achieved so far in this process; recalls that this is a condition for accession to the EU;

Wednesday 14 June 2017

takes note of some progress on other technical issues such as cadastres university diplomas and licence plates and on the implementation of the agreement on the Mitrovica Bridge; has been following developments on the Mitrovica bridge with concern and supports the recent agreement; welcomes the allocation of an independent international telephone code to Kosovo; reiterates its call for the European External Action Service to carry out an evaluation on a regular basis of the performance of the parties in fulfilling their obligations and to report its findings to the European Parliament; stresses that the agreements reached should improve the daily life of ordinary citizens; notes that the benefits of the dialogue are not evident to the citizens of Kosovo and Serbia and emphasises the need for the utmost transparency in communicating the outcomes of the dialogue, in particular in northern Kosovo; stresses the importance of good neighbourly relations with all countries in the Western Balkans;

11. Strongly condemns the act of sending a Serbian nationalist train from Belgrade to Northern Kosovo; expresses serious concerns about warmongering statements and anti-EU rhetoric; notes the decision of the court of Colmar (France) to refuse the extradition to Serbia of and to release Mr Ramush Haradinaj, who was acquitted in 2008 and 2012 by the ICTY and arrested in France on 4 January 2017 on the basis of an international arrest warrant issued by Serbia in 2004 according to its law on the Organisation and Competences of State Authorities in War Crime Proceedings; regrets that this law has hitherto been misused to pursue citizens of countries that belonged to the former Yugoslavia, as proven by this recent case; urges both parties to refrain from provocative steps and unhelpful rhetoric that could hamper the normalisation process; calls on the EU, Kosovo and Serbia to discuss these matters in a constructive manner in the framework of the negotiations for accession to the EU;

12. Notes that the Association of Serbian Municipalities has not yet been set up, that the corresponding statute has not yet been drafted and that the establishment of the association is the responsibility of the government of Kosovo; urges Kosovo to establish the association without further delay in line with the agreement reached under the EU-facilitated dialogue and with the ruling of the Kosovo Constitutional Court; encourages, in this regard, the Kosovo authorities to appoint a high-level working group with a clear and time-bound mandate to propose a statute for public input and parliamentary review; expresses concern at the continued presence of Serbia's parallel structures, including through their continued financial support and calls for their dismantlement; encourages all stakeholders to find an acceptable and mutually agreeable long-term solution for the status of the Trepca mining complex;

13. Calls on the political forces to ensure that the civil liberties and security of the Serbian community and their places of worship are respected;

14. Welcomes the establishment of the Kosovo Specialist Chambers and Specialist Prosecutor Office in The Hague as an essential step for ensuring justice and reconciliation; underlines that witness protection is pivotal to the success of the Special Court and thus calls on authorities to allow citizens to benefit from this system without fear of retribution; calls on the EU and the Member States to continue to support the Court including through proper funding; welcomes the willingness of the Netherlands to host the Court;

15. Calls on Kosovo to address the issue of missing persons, including: guaranteeing property rights effectively, barring the usurpation of properties and guaranteeing the return and reintegration of displaced persons; calls on Kosovo to ensure effective compensation for the victims of war rape as stated in the National Action Plan; notes with concern the slow progress in investigations, prosecutions and convictions on war crimes, including in cases of sexual violence during the 1998-1999 Kosovo war, and urges Kosovo to intensify its efforts in this respect;

16. Regrets the fact that civil society is not regularly consulted as part of the decision-making process; urges the need to empower civil society further and calls for political will to be shown to engage with civil society by implementing the minimum standards for public consultation;

17. Calls on the political forces to guarantee, respect, support and intensify efforts to improve the rule of law, including the independence of the judiciary therein, and by making a clear distinction between the legitimate aspiration of the people of Kosovo for freedom and justice and the actions of individuals who allegedly committed war crimes, which must be duly prosecuted by the competent judicial authorities;

**Wednesday 14 June 2017**

18. Notes that the Ombudsman began implementing the 2015 law on the Ombudsman with increased and improved reporting and urges adoption of related secondary legislation; calls on the assembly and government of Kosovo to ensure the financial, functional and organisational independence of the Ombudsman, in line with international standards on national human rights institutions; urges the government to follow up reports and recommendations of the Office of the Auditor General and Ombudsman;

19. Emphasises the need for the proper functioning of the Ombudsman institution, and the need to ensure that it obtains all the resources required to carry out its activities;

20. Notes that, while some progress has been achieved in adopting legislation for the proper functioning of the judiciary, the administration of justice remains slow and inefficient and is hampered by the remaining shortcomings of criminal legislation, political and economic expediency, political interference, a lack of accountability and limited financial and human resources, including in the Special Prosecution Office; encourages Kosovo to address these issues as a matter of priority in order to ensure legal certainty regarding the property rights of foreign investors; notes the efforts made by the police and the prosecutor's office to tackle organised crime; acknowledges the efforts of the competent authorities to investigate the death in prison of Mr Astrit Dehari and urges the competent authorities to finalise the investigation;

21. Welcomes the signing of the framework agreement for Kosovo's participation in EU programmes and encourages the swiftest possible entry into force and proper implementation of the agreement following the European Parliament's approval;

22. Expresses serious concerns at the lack of progress made with regard to the protection of freedom of expression and media freedom, and at the increased political interference and pressure and intimidation on the media; is deeply concerned by the increased number of direct threats and attacks on journalists and the widespread self-censorship; urges the Kosovar authorities to fully recognise and protect freedom of expression in line with EU standards, to end impunity of attacks against journalists and bring those responsible to justice; urges the government to guarantee the independence and the sustainability of the public service media RTK and to introduce an adequate financing scheme; calls for the adoption of sound legislation on copyright and to ensure transparency of media ownership;

23. Calls on the Government of Kosovo to ensure that cases of physical attacks against journalists and other forms of pressure are promptly investigated and to accelerate and strengthen the adjudication of cases by the judiciary, to continue to unequivocally condemn all attacks against journalists and media outlets, and to ensure transparency of media outlet ownership to combat the increasing risks of undue pressures on editors and journalists;

24. Welcomes the agreement signed by Kosovo and Serbia on 30 November 2016 on the final steps for the implementation of the Justice Agreement, reached within the Dialogue of 9 February 2015, which will enable the judicial institutions of the country to become operational in the entire territory of Kosovo;

25. Stresses that systemic corruption is contrary to the fundamental EU values of transparency and independence of the judiciary; reiterates its concern about the very slow progress in the fight against corruption and organised crime and calls for renewed efforts and a clear political will to tackle these issues, which hamper future significant economic progress; regrets that corruption and organised crime go unpunished in certain areas of Kosovo, notably in the north; is concerned that the track record of investigations, prosecutions and final convictions remains poor and that confiscation and sequestration of criminal assets is rarely utilized despite their being an essential tool in fighting corruption, and therefore recommends the prompt freezing of assets and an increase in the number of final confiscations; encourages the Kosovo Anti-Corruption Agency to take a more proactive approach in investigations; expresses concern that political parties and campaign financing are not properly covered by regulatory oversight; takes the view that the law on conflict of interest needs to be brought into line with European standards and the effective removal of public officials indicted or convicted of serious or corruption-related crimes needs to be put into practice; expresses concerns about the lack of effective coordination between the institutions responsible for the detection, investigation and prosecution of corruption cases; expresses serious concerns at the involvement of criminal armed groups in cross-border criminal activities and calls for direct and effective cooperation between Kosovo and Serbia, as well as between all the countries in the region, in the fight against organised crime; stresses that Kosovo's membership of Interpol and cooperation with Europol would facilitate these efforts;



Wednesday 14 June 2017

26. Expresses concern that Kosovo continues to be a storage and transit country for hard drugs; notes with concern the lack of secure storage for seized drugs prior to destruction; expresses serious concerns about the low rate of convictions in cases against human trafficking, despite Kosovo being a source, transit and destination for trafficked women and children; notes with concern the existence of armed groups and their involvement in organised criminal activities such as arms smuggling and the apparent impunity with which they are able to operate across borders;

27. Calls on Kosovo to step up efforts to put an end to gender-based violence and to ensure women's full enjoyment of rights; calls on Kosovo institutions to allocate adequate funding to the implementation of the national strategy on domestic violence, which includes international mechanisms such as the Istanbul Convention; welcomes the high-level political support for the rights of LGBTI persons; welcomes the holding of the second pride parade, but reiterates that fear remains widespread in the LGBTI community;

28. Calls on the Kosovo authorities to address gender mainstreaming as a priority and to ensure that governing bodies and authorities lead by example; is concerned about the structural challenges hampering the implementation of the law on gender equality, and remains concerned about the underrepresentation of women in decision-making positions; urges Kosovo to continuously encourage women to seek high-level positions; expresses concern about the low levels of property ownership among women and calls on the authorities to actively ensure that property rights for women, including inheritance rights, are secured; welcomes the adoption of a national strategy on domestic violence and calls for its full implementation in order to bring about progress in combating domestic and gender-based violence; reiterates the link between sexual violence during war and conflicts and the normalisation and high levels of gender-based violence in post-conflict countries when these issues are not properly addressed; urges the authorities to publicly encourage and put in place protection mechanisms and shelter measures for women who break their silence and denounce domestic violence; encourages the work of NGOs on this issue;

29. While commending the establishment of the Inter-Ministerial Coordination Group for Human Rights in 2016, notes that further efforts are needed to protect the rights of all minorities in Kosovo, including Roma, Ashkali, Egyptian and Gorani communities, through the full implementation of the relevant legislation and the allocation of sufficient resources; calls on the competent national and local authorities to undertake as a matter of priority all necessary legislative and practical measures to limit discrimination and to affirm the rights of the various ethnic minorities, including cultural, linguistic and property rights, so as to contribute to the development of a multi-ethnic society; calls on Kosovo to ensure that returning refugees, many of whom are Roma, are fully integrated and have their rights as citizens reinstated, thus ending statelessness; calls on Kosovo to adopt a new strategy and action plan for the integration of Roma, Ashkali and Egyptian communities;

30. Welcomes the increased efforts to counter, prevent and combat violent extremism and radicalisation and recognises the important work carried out by Kosovo in this domain; notes that many foreign fighters have returned to Kosovo and calls on the authorities to ensure that they are monitored and prosecuted, and to establish a comprehensive approach with effective policies for prevention, de-radicalisation and, where appropriate, reintegration; calls for further identification, prevention and disruption of the flow of foreign fighters and of untraceable money intended for radicalisation; underlines the need for effective community programmes to address the grievances that fuel violent extremism and radicalisation, and to build relationships that promote tolerance and dialogue;

31. Welcomes the improvement of the economic situation and the increase of tax revenues that make more resources available for the government to carry out its policies; expresses its concerns, however, about the sustainability of Kosovo's budget with regard to the amount of benefits allocated to war veterans in particular, and calls, in this regard, for the reform of the relevant law as agreed with the International Monetary Fund; reiterates that socio-economic structural reforms are crucial for supporting long-term growth; stresses the need to bolster local industry as a matter of urgency, while also focusing on the competitiveness of locally manufactured products so that they may meet EU import standards; is concerned by the dependence on migrant remittances; expresses concern at the ad hoc financing decisions taken, which undermines the stability that businesses require; reiterates the need to expedite the registration of new businesses, which are currently hampered by unaccountable administration, underdeveloped infrastructure, a weak rule of law and corruption; urges



**Wednesday 14 June 2017**

Kosovo to follow up on the recommendations from the EU's 'Small Business Act' assessment and the introduction of regulatory impact assessments to reduce the administrative burden on SMEs and calls on the Commission to increase assistance towards SMEs; invites Kosovo to fully implement the recommendations of the 2016-2018 Economic Reform Programme and the European Reform Agenda launched on 11 November 2016;

32. Notes with concern the high unemployment rate, especially youth unemployment, and expresses concern about discrimination against women on the labour market, especially in the hiring process; calls on Kosovo to step up its efforts to increase the level of employment and improve labour market conditions; highlights the need to focus on improving the quality of education, including by improving teacher training, supporting the school-to-work transition and matching educational competences with job needs, which is an essential step in tackling the very high rate of youth unemployment; calls for further efforts to increase joint education of all components of Kosovo's society; underlines the need to improve enforcement mechanisms, notably labour inspectorates and courts, and to strengthen the dialogue, through the Social Economic Council of Kosovo, between public institutions and social partners; welcomes the conclusions of the 2016 Paris summit and the establishment of the first Regional Youth Cooperation Office;

33. Regrets the slow pace of Kosovo's efforts to build an adequate and efficient administrative capacity, which is preventing the country from fully implementing the laws adopted and using EU funds effectively; expresses regret at the endemic corruption, the political interference and politicisation of staff in public administration at all levels, as well as appointments to various independent institutions and agencies made on the basis of political affiliation and not of professional criteria to a sufficient extent; calls for further efforts to ensure merit-based recruitment, which is necessary to ensure effective, efficient and professionally independent public administration; calls for investigations to be made into the recent allegation of political interference in recruitment to and decision-making processes in public bodies;

34. Notes that tendering specifications for applications for all forms of contracts under IPA funding are so demanding that Kosovar or regional companies often cannot even apply for them and calls, to this end, for special attention to be given to guide and instruct interested stakeholders; urges authorities to direct the remaining assistance, which has not yet been programmed, towards projects with a more direct impact on the economy of Kosovo;

35. Welcomes the extension of the mandate of EULEX Kosovo and urges Kosovo to continue to cooperate actively in the full and unhindered execution by EULEX of its mandate; calls for continued EU efforts in further strengthening independent justice, police and customs systems beyond 2018 with a view to Kosovo taking full ownership of these functions; calls for an efficient and smooth transition of judicial cases dealt with by EULEX prosecutors to national prosecutors with appropriate safeguards to guarantee that the victims of past violations have access to truth, justice and reparation;

36. Notes the termination of the criminal investigation into allegations of corruption in the EULEX mission; expresses its satisfaction that the EU officials involved were cleared of any wrongdoing; calls on EULEX to ensure increased effectiveness, full transparency and greater responsibility with regard to the mission for the duration of its mandate, and to fully implement all the recommendations made by independent expert Jean-Paul Jacqué in his report of 2014;

37. Notes that so far Kosovo has not become a major transit route for refugees and migrants travelling along the 'Western Balkan route'; urges Kosovar authorities to ensure that those passing through are treated in accordance with European and international law, including the EU Charter for Fundamental Rights and the 1951 Refugee Convention; reiterates that funding, amongst other provisions in the IPA II heading, should be available and ready to be mobilised and implemented swiftly and effectively in times of crisis and need;

Wednesday 14 June 2017

38. Welcomes the fact that several Serb religious and cultural sites which regrettably were destroyed in 2004, have been renovated with Kosovo public funding, such as the orthodox Cathedral; acknowledges Kosovo's commitment to protect cultural heritage sites and calls on the authorities to implement all UN conventions on cultural heritage at all levels regardless of the status of Kosovo vis-a-vis UNESCO, through the adoption of an appropriate strategy and national legislation, and to ensure the adequate protection and management of cultural heritage sites throughout Kosovo; welcomes, in this respect, the EU-funded programme aimed at protecting and reconstructing small cultural heritage sites with a view to fostering intercultural and interreligious dialogue in all multi-ethnic municipalities; reiterates the fact that the draft law on freedom of religion needs to be adopted and should incorporate the Venice Commission's recommendations on the matter;

39. Warmly welcomes the Council of Europe's decision to grant Kosovo observer status in its Parliamentary Assembly as of January 2017 in respect of Kosovo-related sessions; supports Kosovo's efforts to integrate into the international community; calls, in this connection, for the participation of Kosovo in all the relevant regional and international organisations and urges Serbia to stop interfering in this process;

40. Urges the Kosovo authorities to adopt a credible long-term energy strategy and legislative framework based on energy efficiency, the diversification of energy sources and the development of renewables; highlights the need to further work towards reliable electricity grids and to make the energy sector more sustainable, both in terms of security and environmental standards; calls on the authorities to sign the Western Balkan 6 Memorandum of Understanding on regional electricity market development and on establishing a framework for future collaboration with other countries; stresses that in 2017 Kosovo will hold the presidency of the Energy Community Treaty and reminds the authorities of Kosovo's legal obligation under this treaty to ensure that 25 % of all electricity is obtained from renewables by 2020; calls on the government to respect the agreement to decommission the Kosovo A power plant and refurbish the Kosovo B power plant, making use of the EUR 60 million allocated for this purpose by the EU within the framework of IPA funds; calls for a hydropower strategy for the whole of the Western Balkans;

41. Expresses its concern at the alarming level of air pollution in Kosovo, in particular in the Pristina urban area, and calls on the state and local authorities to urgently take adequate measures to deal with this emergency; highlights that the national strategy on air quality needs to be properly enforced; is concerned that the waste management problem remains one of the more visible problems in Kosovo and that the current legislation does not fully address the challenge;

42. Welcomes the launch of the new railway connectivity project on the Orient/East-Med Corridor, which includes new railway track and stations in Kosovo and constitutes Kosovo's sole connection to the wider region; calls on the government of Kosovo to fully support the implementation of the project;

43. Welcomes the efforts made by the Commission to bring about the unblocking of the power interconnection grid between Albania and Kosovo, which has been blocked for months by Serbia, and calls for constructive cooperation between the Serbian and Kosovar electricity authorities; reminds Serbia that the deadline set by the Energy Community for removing the blockade was 31 December 2016 at the latest;

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

45. Calls on the Commission to make further efforts to support a true reconciliation process in the region, notably through support for cultural projects dealing with the recent past and promoting a common and shared understanding of history and a public and political culture of tolerance, inclusion and reconciliation;

46. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service and the Government and National Assembly of Kosovo.

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Wednesday 14 June 2017

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## **2016 Report on the former Yugoslav Republic of Macedonia**

### **European Parliament resolution of 14 June 2017 on the 2016 Commission Report on the former Yugoslav Republic of Macedonia (2016/2310(INI))**

(2018/C 331/11)

*The European Parliament,*

- having regard to the Presidency conclusions of the Thessaloniki European Council of 19-20 June 2003 concerning the prospect of the Western Balkan countries joining the Union,
- having regard to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part <sup>(1)</sup>,
- having regard to the Framework Agreement concluded at Ohrid and signed at Skopje on 13 August 2001 (Ohrid Framework Agreement, 'the OFA'),
- having regard to the European Council's decision of 16 December 2005 to grant the country the status of candidate for EU membership, to the European Council conclusions of June 2008, to the Council conclusions of December 2008, December 2012, December 2014 and December 2015, and to the Presidency conclusions of 13 December 2016, which received the support of the overwhelming majority of delegations and which reiterated unequivocal and strong commitment to the country's EU accession process,
- having regard to the 13th meeting of the Stabilisation and Association Committee between the country and the Commission, held in Skopje on 15 June 2016,
- having regard to the Commission communication of 9 November 2016 entitled 'EU Enlargement Policy' (COM(2016)0715), accompanied by the Commission staff working document entitled 'The former Yugoslav Republic of Macedonia 2016 Report' (SWD(2016)0362),
- having regard to the June 2016 European Court of Auditors Special Report on the former Yugoslav Republic of Macedonia,
- having regard to the Commission's June 2015 Urgent Reform Priorities for the former Yugoslav Republic of Macedonia,
- having regard to the Recommendations of the Senior Experts' Group on Systematic Rule of Law issues relating to the communications interception revealed in Spring 2015,
- having regard to the political agreement (the so-called 'Pržino Agreement') reached between the four main political parties in Skopje on 2 June and 15 July 2015, and the four-party agreement on its implementation of 20 July and 31 August 2016,
- 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 preliminary findings and conclusions and the final report of the OSCE/ODIHR concerning the early parliamentary elections of 11 December 2016,
- having regard to UN Security Council resolutions 817 (1993) and 845 (1993), as well as to UN General Assembly resolution 47/225 and the Interim Accord of 13 September 1995,
- having regard to the judgment of the International Court of Justice on the Application of the Interim Accord of 13 September 1995,

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<sup>(1)</sup> OJ L 84, 20.3.2004, p. 13.

Wednesday 14 June 2017

- having regard to its previous resolutions on the country,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs (A8-0055/2017),
- A. whereas, after twice being postponed, early parliamentary elections in the former Yugoslav Republic of Macedonia were held on 11 December 2016 in an ordinary and calm atmosphere, in accordance with international standards and in line with OSCE/ODIHR recommendations; whereas they proceeded without major incidents, were generally well-administered and the voter turnout was high;
- B. whereas reforms and accession preparations are being hampered by political polarisation, deep mutual mistrust and a lack of a genuine dialogue between the parties; whereas backsliding in some important areas can be continuously observed; whereas democracy and the rule of law have been constantly challenged, particularly as the result of state capture affecting the functioning of democratic institutions and key areas of society;
- C. whereas, on 27 April 2017, Talat Xhaferi was elected as new Speaker of the Macedonian Parliament; whereas, on 17 May 2017, the President of the Republic of Macedonia entrusted the mandate to form a new government to SDSM leader Zoran Zaev; whereas, on 31 May 2017, the new government led by Prime Minister Zoran Zaev was voted in by the Macedonian Parliament;
- D. whereas some of the key issues in the reform process include reform of the judiciary, public administration and media, youth unemployment and a review of the implementation of the OFA;
- E. whereas a serious commitment by all political forces is required for the country to continue to pursue its EU integration and Euro-Atlantic path; whereas a new government needs to adopt and fully implement robust reforms marked by tangible results, particularly as regards the areas of the rule of law, justice, corruption, fundamental rights, home affairs and good neighbourly relations;
- F. whereas there is common understanding between the Commission, the Council and the Parliament that the maintenance of the positive recommendation to open accession negotiations with the country remains dependent/conditional on progress in the implementation of the Pržino Agreement and substantial progress in the implementation of the Urgent Reform Priorities;
- G. whereas the Council has been blocking progress due to the unresolved name issue with Greece; whereas bilateral issues should not be used as a pretext to obstruct the swift start of negotiations with the EU;
- H. whereas bilateral disputes should not be used to obstruct the EU accession process, nor the opening of accession negotiations, but should be duly addressed in a constructive spirit and in compliance with EU and UN standards; whereas all efforts should be pursued to maintain good neighbourly and inter-ethnic relations;
- I. whereas (potential) candidate countries are judged on their own merits and the speed and quality of the necessary reforms determine the timetable for accession; whereas the opening of accession negotiations should be guaranteed upon the fulfilment of required conditions; whereas the country has been considered for many years as one of the most advanced EU candidate countries in terms of alignment with the *acquis*;
- J. whereas the EU accession process is a major incentive for further reforms, particularly with regard to the rule of law, the independence of the judiciary, the fight against corruption, and media freedom; whereas regional cooperation and good neighbourly relations are essential elements of the enlargement process, the Stabilisation and Association Process and the country's accession process;

**Wednesday 14 June 2017**

- K. whereas on 20 July and 31 August 2016 leaders of the four main political parties reached an agreement on the implementation of the Pržino Agreement, which included setting 11 December 2016 as the date for early parliamentary elections and declaring their support for the work of the Special Prosecutor; whereas they also reiterated their commitment to implement the 'Urgent Reform Priorities';
- L. whereas the recent political crisis has illustrated the lack of an effective system of checks and balances in the Macedonian institutions and the need to increase transparency and public accountability;
- M. whereas fighting organised crime and corruption remains fundamental to countering criminal infiltration of the political, legal and economic systems;
1. Welcomes the formation of a new government on 31 May 2017; urges all political parties to act in a spirit of reconciliation, in the common interest of all citizens and to work with the government on restoring confidence in the country and its institutions, including through the full implementation of the Pržino Agreement and Urgent Reform Priorities;
2. Welcomes the respect for fundamental freedoms shown at the early elections on 11 December 2016, which were well administered, were held in a transparent and inclusive manner and proceeded without major incidents; notes that the OSCE/ODIHR considered the elections competitive; welcomes the fact that all political parties accepted its results in the interest of domestic stability and underlines their responsibility to ensure that there is no backsliding into political crisis; calls on all parties to refrain from any obstruction of the effective functioning of the parliament; urges the new government to swiftly proceed with the necessary reforms, to ensure the country's Euro-Atlantic integration and to advance its European perspective for the benefit of citizens; considers cross-party and inter-ethnic cooperation essential for addressing pressing domestic and EU-related challenges, and for maintaining the positive recommendation to open EU accession negotiations;
3. Welcomes the improvements in the electoral process, including the legal framework, voters' list and media coverage; welcomes the fact that civil society representatives observed the elections in a large majority of the polling stations; calls on the competent authorities to effectively address the alleged irregularities and shortcomings, including voter intimidation, vote buying, misuse of administrative resources, political pressure on the media, as well as confrontational language and verbal attacks on journalists, also in view of the local elections in May 2017; urges the competent authorities to address the recommendations made by the OSCE/ODIHR and the Venice Commission and to establish a credible track record of effective scrutiny of political party and electoral campaign financing; stresses the need for greater transparency and further de-politicisation of the work of the electoral administration in order to increase the public's trust in future elections;
4. Considers it important to conduct a population census (the last census was conducted in 2002), provided that there is a country-wide consensus on the methodology to be applied, in order to obtain an updated and realistic picture of the demographics of the Macedonian population, to better meet the needs of — and offer services to — Macedonian citizens, and to further update the voters' list and minimise any irregularities and shortcomings in the future;
5. Expects the new government, as a first priority, in cooperation with other parties, to accelerate EU-related reforms; reiterates its support for the opening of accession negotiations, conditional on the progress of the implementation of the Pržino Agreement to ensure its full, tangible and sustainable implementation and substantial progress in the implementation of the Urgent Reform Priorities on systemic reforms; calls on the Council to address the issue of the accession negotiations at its earliest convenience; continues to be convinced that negotiations can generate much-needed reforms, create a new dynamic, revitalise the European perspective and positively influence the resolution of bilateral disputes so as not to hamper the EU accession process;
6. Underlines the strategic importance of further progress in the EU accession process and calls again for political will and ownership to be displayed by all the parties in fully implementing the Urgent Reform Priorities and the Pržino agreement; underlines that implementation of the Pržino agreement is vital also beyond the elections to ensure political stability and sustainability in the future; calls on the Commission to assess, at its earliest convenience but before the end of 2017, the country's progress on implementation and to report back to Parliament and to the Council; while recalling that

Wednesday 14 June 2017

long overdue reforms need to be launched and implemented, supports the continuation of the High Level Accession Dialogue (HLAD) for systematically assisting the country in this endeavour; regrets that no meeting was held under HLAD and that there was little progress on meeting previous targets; draws attention to the potential negative political, security and socio-economic consequences of further delays in the country's Euro-Atlantic integration process; further calls on the Commission and the EEAS to increase the visibility of EU-funded projects in the country in order to bring the EU closer to the citizens of the country;

7. Underlines the significant progress the country has made in the process of EU integration and emphasises the negative consequences of further delaying the process of integration, including the threat to the credibility of the EU's enlargement policy and the risk of instability in the region;

8. Points out that the current challenges facing the European Union (Brexit, migration, radicalism, etc.) should not hinder the enlargement process, but rather that these challenges have demonstrated the need to fully integrate the Western Balkans into EU structures in order to enhance and deepen partnership and overcome international crises;

9. Welcomes the high level of legislative alignment with the *acquis communautaire* and acknowledges the priority given to the effective implementation and enforcement of existing legal and policy frameworks, as in the case of countries already engaged in the accession negotiations;

10. Congratulates the country for continuing to fulfil its commitments under the SAA; calls on the Council to adopt the Commission's 2009 proposal to move to the second stage of the SAA, in line with the relevant provisions;

11. Urges all parties to demonstrate the political will and responsibility to overcome the divisive political environment, polarisation and lack of a culture of compromise and to re-engage in dialogue; emphasises again the key role of parliament in the democratic development of the country and as the forum for political dialogue and representation; calls for its oversight functions to be strengthened and for limits to be placed on the practice of frequent legislative changes to laws and the use of shortened procedures for adoption, without sufficient consultation or impact assessment; urges the smooth operation of the parliamentary committees on the interception of communications and on security and counterintelligence, and their unhindered access to the necessary data and testimonies in order to provide credible parliamentary control over relevant services; acknowledges the constructive role civil society plays in supporting and improving democratic processes;

12. Notes some progress in reforming public administration including the steps to implement the new legal framework on human resources management; calls for further commitment to implement the Commission recommendations; remains concerned about the politicised public administration and that civil servants are subject to political pressure; urges the new government to demonstrate a strong political commitment to enhancing professionalism, merit, neutrality and independence at all levels by implementing the new merit-based recruitment and appraisal procedure; stresses the need to complete the 2017-2022 public administration reform strategy, including by making sufficient budget allocations for its implementation, and to strengthen relevant administrative capacity; calls for the incoming government to establish transparent and effective lines of accountability between and within institutions; recommends that all communities be fairly represented at all levels of the public administration;

13. Recommends that the incoming government develop a comprehensive e-governance strategy accompanied by the further development of e-services for citizens and businesses in order to reduce the bureaucratic burden for the state, citizens and business; emphasises that e-governance and e-services would enhance the country's economic performance and increase the transparency and efficiency of the public administration and services; stresses the right of citizens to access public information and calls for further efforts to ensure that this right is not impeded in any way; encourages the search for innovative e-solutions to ensure easy access to public information and to reduce related bureaucracy;

14. Regrets the continuous backsliding in the reform of the judiciary, which should be encouraged to function independently; deplores recurrent political interference in its work, including in the appointment and promotion of judges and prosecutors, as well as the lack of accountability and cases of selective justice; calls once again on the competent authorities to address effectively the outstanding issues as identified in the 'Urgent Reform Priorities' and to demonstrate the political will to progress in judicial reform including by improving, in law and in practice, transparency in the appointment



Wednesday 14 June 2017

and promotion procedures and by reducing the length of court proceedings; acknowledges that some efforts have been made to improve transparency; calls, furthermore, on the authorities to ensure the professionalism of the Judicial Council and the Prosecutors Council and the functional independence of the justice system as a whole;

15. Reiterates the importance of a thorough and independent investigation, without hindrance, into allegations of wrong-doing brought to the fore by the wiretaps and the related failures of oversight; recalls the importance of the mandate and the work of both the Special Prosecutor and the Parliamentary Committee of Inquiry to look into legal accountability and political responsibility respectively; notes that the Special Prosecutor has raised the first criminal indictments concerning wrongdoings arising from the wiretaps;

16. Is concerned about the political attacks against, and the administrative and judicial obstructions to, the work of the Special Prosecutor's Office (SPO) and the lack of cooperation from other institutions; reminds the criminal courts that do not respond to official requests from the SPO that they have a legal obligation to assist the SPO; considers it essential for the democratic process that the SPO is able to fulfil all its functions and to carry out thorough investigations in full autonomy, without impediment and with the necessary means; calls for the SPO to be given full support and the conditions and time necessary to complete its important work; calls for an end to obstructions in the courts for referring evidence to the Special Prosecutor, and for support for amendments to the law to ensure it has autonomous authority for witness protection with respect to the cases for which it is responsible; strongly believes that the outcomes of the investigations constitute an important step towards restoring trust in national institutions; highlights, furthermore, the need to adopt amendments to the Law on Witness Protection;

17. Remains concerned that corruption continues to be a serious problem and that combating corruption is being undermined by political interference; highlights the need for strong political will to tackle it; stresses the need to strengthen the independence of the police, the prosecution and the State Commission for the Prevention of Corruption (SCPC); calls for action to improve transparency and to ensure the merit-based selection and appointment of SCPC members; calls, as a matter of urgency, for efforts to be made to ensure the effective prevention and punishment of conflicts of interest and to establish a credible track record on high-level corruption, including the implementation of the legal framework for the protection of whistle-blowers in line with European standards, the Urgent Reform Priorities and the Venice Commission recommendations; encourages once again independent CSOs and the media to bring to light corruption and support independent and impartial investigations; calls on the authorities to support the work of the Ombudsman with adequate staffing and budgetary measures;

18. Is concerned about the merging of media, political and government activities, particularly regarding public spending; strongly condemns the existence of unlawful economic, political and family ties in relation to the spending of public funds; calls on the government to adopt a legislative framework that regulates conflicts of interest and makes public the assets of persons occupying high state positions as an additional measure to fight corruption;

19. Welcomes the fact that the legislative framework and strategies for fighting organised crime are in place; welcomes the dismantling of criminal networks and routes related to trafficking in human beings and drugs and calls for a further stepping up of the efforts to fight organised crime; encourages further improvement of cooperation between law enforcement agencies both within the country and with neighbouring countries and the strengthening of the powers and resources of the courts; considers it essential to further develop the law enforcement capacity to investigate financial crimes and confiscate assets;

20. Appreciates the continued efforts to fight Islamic radicalisation and foreign terrorist fighters; welcomes the adoption of the 2013-2019 strategy to fight terrorism, which also defines the concepts of violent extremism, radicalisation, prevention and reintegration; calls for its implementation through more cooperation between security agencies and civil society organisations (CSOs), religious leaders, local communities and other state institutions in the education, health and social services sectors in addressing the different stages of radicalisation and developing tools for reintegration and rehabilitation; further calls for continued monitoring of returning foreign fighters by security services, their proper reintegration into society and a constant exchange of information with the authorities of the EU and neighbouring countries;



Wednesday 14 June 2017

21. Is concerned about signals coming from CSOs referring to the deterioration of the climate in which they operate; remains concerned about radical public attacks on CSOs and foreign representatives by politicians and the media; acknowledges and encourages the important role played by CSOs in monitoring, supporting and improving democratic processes, including the electoral process, and ensuring checks and balances; is concerned about limited government commitment and insufficient cooperation with CSOs at all levels; highlights the importance of a regular and constructive dialogue and cooperation with CSOs and urges the competent authorities to include them in policymaking in a regular and structured manner; calls on the authorities not to discriminate against CSOs on any grounds such as political affiliation, religious views or ethnic composition; believes that freedom of assembly and association should not be denied to any group of people without serious justification;

22. Encourages the authorities to resume work on the interrupted census which would provide accurate population statistics that could serve as a basis for government development programmes and adequate budget planning;

23. Reminds the government and political parties of their responsibilities in shaping, by law and in practice, a culture of inclusion and tolerance; welcomes the adoption of the national strategy for equality and non-discrimination 2016-2020; is concerned about impartiality and the independence of the Commission for Protection from Discrimination and calls for a transparent selection process for its members; reiterates its condemnation of hate speech against discriminated groups; is concerned that intolerance, discrimination and attacks against lesbian, gay, bisexual, transgender and intersex (LGBTI) people persists; reiterates its call for the Anti-Discrimination Law to be aligned with the *acquis* as regards discrimination on grounds of sexual orientation; underlines again the need to combat prejudice and discrimination against the Roma, and to facilitate their integration and their access to the education system and the labour market; is concerned about the inhumane physical conditions and overcrowding in prisons, despite a significant increase in the prison budget; calls for the Ombudsman's recommendations to be respected;

24. Calls for further efforts to promote gender equality and increase the participation of women in political life and employment, to improve their socio-economic situation and to strengthen women's rights on the whole; calls on the competent authorities to improve the implementation of the Law on Equal Opportunities, to tackle the underrepresentation of women in key decision-making positions at all levels and to strengthen the effectiveness of institutional mechanisms to advance equality between men and women; urges the competent authorities to make sufficient budget allocations for its implementation; is concerned about the lack of women's access to some basic health services and the persistently high infant mortality rate;

25. Urges the government to take measures to review the Law on Prevention and Protection against Domestic Violence and other relevant laws, in order to provide appropriate protection to all victims of domestic violence and gender-based violence and to improve support services to victims of domestic violence, including an adequate number of shelters; further urges the government to ensure that cases of domestic violence are thoroughly investigated and perpetrators prosecuted, and to continue to raise awareness about domestic violence;

26. Reiterates that the interethnic situation remains fragile; urges all political parties and CSOs to actively promote an inclusive and tolerant multi-ethnic, multi-cultural and multi-religious society and to strengthen coexistence and dialogue; believes that specific measures are needed in order to achieve social cohesion among the various ethnic, national and religious communities; reminds the government and party leaders of their commitment to fully implement the OFA in an inclusive and transparent manner, to complete its overdue review without further delay, including policy recommendations, and to ensure a sufficient budget for its implementation; condemns any form of irredentism and any attempt to disintegrate different social groups; stresses the importance of starting the long-awaited census without further delay;

27. Calls on the Commission to make further efforts to support a true reconciliation process in the region, notably through support for cultural projects dealing with the recent past and promoting a common and shared understanding of history and a public and political culture of tolerance, inclusion and reconciliation;

28. Reiterates that the authorities and civil society should take appropriate measures to achieve historical reconciliation in order to overcome the divide between and within different ethnic and national groups, including citizens of Bulgarian identity;

**Wednesday 14 June 2017**

29. Urges the government to send clear signals to the public and the media that discrimination on the basis of national identity is not tolerated in the country, including in relation to the justice system, media, employment and social opportunities; underlines the importance of these actions for the integration of the various ethnic communities and the stability and European integration of the country;

30. Encourages the authorities to retrieve the relevant Yugoslav secret service archives from Serbia; takes the view that transparent handling of the totalitarian past, including the opening-up of the secret service archives, is a step towards further democratisation, accountability and institutional strength;

31. Reiterates the importance of media freedom and independence as one of the core EU values and a cornerstone of any democracy; remains concerned over freedom of expression and the media, the use of hate speech, the cases of intimidation and self-censorship, systemic political interference in and pressure on editorial policies, the absence of investigative, objective and accurate reporting, as well as unbalanced reporting of government activities; reiterates its call for reporting of a variety of viewpoints through the mainstream media, particularly the public service broadcaster;

32. Calls on the new government to ensure that intimidation or violence against journalists is prevented and duly investigated and that those responsible be brought to justice; underlines the need for the sustainability and political and financial autonomy of the public service broadcast in order to ensure its financial and editorial independence, and the right of access to impartial information; calls for inclusive media interest representation bodies; calls for the establishment of a professional code of conduct accepted by both public and private media; encourages joint work between government officials, CSOs and journalist organisations on the media reform;

33. Remains concerned that the political situation represents a serious risk to the Macedonian economy; continues to be concerned about weak contract enforcement, the size of the informal economy and the difficulty in obtaining access to finance; stresses that the sizeable shadow economy is an important obstacle to business; stresses the need to take measures to enhance competitiveness and job creation in the private sector, and calls on the competent authorities to also address judicial efficiency;

34. Welcomes the maintenance of macro-economic stability, the reduction of the unemployment rate and the government's continued commitment to promoting growth and employment through market-based economic policies, but is concerned about the sustainability of public debt and the fact that unemployment still remains high with very low labour market participation, especially among young people, women and the disabled; further urges competent authorities to tackle long-term and structural unemployment, to promote economic policy cooperation, to better align education with labour market demands and to develop a targeted strategy on how to better integrate young people and women into the labour market; is concerned about the outflow of highly educated young professionals and strongly calls on the government to develop programmes to allow highly educated young professionals to return and participate in the political and decision-making processes; calls for action to improve fiscal discipline and transparency and increase budget planning capacity; encourages the principle of balanced budgets; notes that a reliable and predictable regulatory environment for businesses leads to increased macro-economic stability and growth; calls for proper consultation with all stakeholders in this regard;

35. Welcomes the progress made in modernising transport, energy and telecommunications networks and, in particular, the efforts to complete Corridor X <sup>(1)</sup>; in view of the importance of railway links in the framework of a sustainable system of transport, welcomes the government's intention to upgrade or construct railway links from Skopje to the capitals of the neighbouring countries and calls for greater progress, especially in the finalisation of the railway and road connections within Corridor VIII <sup>(2)</sup>;

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<sup>(1)</sup> Corridor X is one of the pan-European transport corridors and runs from Salzburg (Austria) to Thessaloniki (Greece).

<sup>(2)</sup> Corridor VIII is one of the pan-European transport corridors and runs from Durrës (Albania) to Varna (Bulgaria). It also passes through Skopje.

Wednesday 14 June 2017

36. Commends the good level of preparation in the field of electronic communications and the information society; calls for further advancement in the area of cyber security and underlines the need to develop and adopt a national cyber security strategy in order to increase cyber resilience;

37. Is concerned about the significant shortcomings in the field of the environment, in particular in the area of industrial pollution and air and water pollution; notes that the current condition of the water-supply system is generally poor, resulting in high water loss and water quality issues; stresses the need to develop and implement a sustainable waste policy and calls for a comprehensive policy and strategy on climate action to be developed that is in line with the EU 2030 framework for climate policy, and for the ratification and implementation of the Paris Climate Agreement;

38. Welcomes the country's constructive role in regional cooperation, particularly in the Western Balkans Six initiative and connectivity agenda; notes, however, that transport and energy infrastructure linkages to regional neighbours and the connection to the TEN-T network are still limited; welcomes the progress made on the security of supply, as well as in the area of electricity transmission interconnectors and gas interconnections; notes the agreement signed with the Western Balkans countries on the development of a regional electricity market; highlights the need to make progress on opening up the electricity market and to develop competition in the gas and energy market, working towards the unbundling of utilities in line with the EU's Third Energy Package; calls for substantial improvements as regards energy efficiency, the production of renewable energy and the fight against climate change; calls for the ratification of the Paris climate agreement;

39. Urges the authorities to strengthen the administrative and financing capacities in order to ensure a transparent, efficient and effective public procurement regime, prevent any irregularities and implement EU funds properly and in a timely manner, and to provide, at the same time, detailed regular reports on the programming and use of Community funds; notes with concern that the Commission has yet again reduced the IPA financial assistance by approximately EUR 27 million as a consequence of the lack of political commitment to deliver on reforms in public financial management; calls on the Commission to include information about IPA support for the country and the effectiveness of implemented measures in its reports, in particular the IPA support allocated to implementation of the key priorities and relevant projects;

40. Commends the country for its constructive role and cooperation and its tremendous efforts in addressing the challenges of the migration crisis, thus substantially contributing to the security and stability of the EU; in this regard, calls on the Commission to provide the country with all necessary tools to alleviate the crisis; recommends further measures and actions in compliance with international humanitarian law to improve its asylum system, to ensure the necessary capacity to prevent and combat trafficking in human beings and in migrants, including cooperation agreements with neighbouring States in the fight against crime, and to ensure effective border management;

41. Notes that the country lies on the so-called 'Western Balkans route' and that approximately 600 000 refugees and migrants, including vulnerable groups such as children and the elderly, have so far travelled through it on their way to Europe; urges its authorities to ensure that migrants and refugees applying for asylum in the country or traveling through its territory, are treated in accordance with international and EU law, including the 1951 Refugee Conventions and the EU Charter of Fundamental Rights;

42. 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 European and international norms and standards are followed;

43. Emphasises the importance of regional cooperation as a tool to drive forward the process of EU integration, and commends the country's constructive efforts and proactive contributions in promoting bilateral relations with all countries in the region;

44. Believes that regional cooperation is an essential element in the EU accession process, bringing stability and prosperity to the region, and should be a priority for the government; welcomes the country's continued constructive role and proactive contributions towards promoting bilateral, regional and international cooperation, as well as its participation in civilian and military crisis management operations; commends the increased alignment with EU foreign policy (73%);

**Wednesday 14 June 2017**

calls on Macedonian authorities to also align with the EU's restrictive measures against Russia following the illegal annexation of Crimea; reiterates the importance of finalising the negotiations on a treaty on friendship and good neighbourliness with Bulgaria; calls on the authorities to respect the political, social and cultural rights of citizens of the country who identify themselves as Bulgarians;

45. Encourages the establishment of joint expert committees on history and education with neighbouring countries, with the aim of contributing to an objective, fact-based interpretation of history, strengthening academic cooperation and promoting positive attitudes in young people towards their neighbours;

46. Welcomes the tangible results from the initiative for confidence-building measures between this country and Greece, which could contribute to a better understanding and stronger bilateral relations, paving the way for a mutually acceptable solution to the name issue, and acknowledges positive developments regarding their implementation; underlines the importance of avoiding gestures, controversial actions and statements which can have a negative impact on good neighbourly relations; strongly reiterates its invitation to the Vice-President/High Representative (VP/HR) and the Commission to develop new initiatives to overcome the remaining differences and to work, in cooperation with the two countries and the UN Special Representative, on a mutually acceptable solution on the name issue and to report back to Parliament thereon;

47. Welcomes the activities carried out in the framework of the Berlin Process, which demonstrate strong political support for the European perspective of Western Balkan countries; points out the importance of this process for the promotion of the economic development of the countries in the region through investments in core networks and bilateral projects in the fields of infrastructure, the economy and interconnectivity; reiterates the importance of active participation in the regional youth-related initiatives, such as the Regional Youth Cooperation Office of the Western Balkans; welcomes the establishment of the Western Balkans Fund, and urges the Commission to take into account the initiatives and projects proposed;

48. Commends the country on its chairmanship of the CEI when the focus throughout 2015 was on economic cooperation and business opportunities, infrastructure and general economic development, including rural development and tourism, and on bridging macro-regions;

49. Instructs its President to forward this resolution to the Council, the Vice-President/High Representative, the Commission, the governments and parliaments of the Member States and the government and parliament of the country.

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Wednesday 14 June 2017

P8\_TA(2017)0264

**Situation in the Democratic Republic of the Congo****European Parliament resolution of 14 June 2017 on the situation in the Democratic Republic of the Congo (2017/2703(RSP))**

(2018/C 331/12)

*The European Parliament,*

- having regard to its previous resolutions, in particular those on the Democratic Republic of the Congo (DRC) of 23 June 2016 <sup>(1)</sup>, 1 December 2016 <sup>(2)</sup> and 2 February 2017 <sup>(3)</sup>,
  - having regard to the statements by the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the Commission Federica Mogherini and by her Spokesperson on the situation in the DRC,
  - having regard to the statements by the EU Delegation to the DRC on the situation of human rights in the country,
  - having regard to the political agreement reached in the DRC on 31 December 2016,
  - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 15 June 2016 on the pre-electoral and security situation in the DRC,
  - having regard to the Council conclusions of 17 October 2016 and 6 March 2017 on the DRC,
  - having regard to the report of the UN Secretary-General of 10 March 2017 on the UN Stabilisation Mission in the DRC,
  - having regard to the UN Security Council resolutions on the DRC, in particular resolution 2293 (2016) on renewing the DRC sanctions regime and the mandate of the Group of Experts, and resolution 2348 (2017) on renewing the mandate of the UN Stabilisation Mission in the DRC (MONUSCO),
  - having regard to the joint statement on the DRC by the African Union, the United Nations, the European Union and the International Organisation of La Francophonie of 16 February 2017,
  - having regard to the revised Cotonou Partnership Agreement,
  - having regard to the African Charter on Human and Peoples' Rights of June 1981,
  - having regard to the African Charter on Democracy, Elections and Governance,
  - having regard to the Constitution of the DRC, adopted on 18 February 2006,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the DRC has suffered from continuous cycles of conflict and brutal political repression; whereas the humanitarian and security crisis in the DRC has further deteriorated as a result of the political crisis caused by non-compliance by President Joseph Kabila with the constitutionally mandated two-term limit;

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<sup>(1)</sup> Texts adopted, P8\_TA(2016)0290.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0479.

<sup>(3)</sup> Texts adopted, P8\_TA(2017)0017.

Wednesday 14 June 2017

- B. whereas the conflict is occurring in the context of a political crisis in the DRC; whereas an agreement reached on 31 December 2016 under the auspices of the National Episcopal Conference of the Congo (CENCO) envisages a political transition to end with free and fair presidential elections to be held by the end of 2017 without changing the constitution; whereas to date no progress has been made on the implementation of the agreement;
- C. whereas in August 2016 armed clashes broke out between the Congolese army and local militias in the Central Kasai province and spread to the neighbouring provinces of Eastern Kasai, Lomami and Sankuru, causing a humanitarian crisis and resulting in the internal displacement of over one million civilians; whereas UN reports have documented mass violations of human rights, including the massacre of more than 500 civilians and the discovery of over 40 mass graves; whereas according to the UN nearly 400 000 children are on the verge of starvation; whereas 165 Congolese civil society organisations and human rights defenders have called for an independent international investigation into the mass violations of human rights in the provinces of Kasai and Lomami, emphasising that both governmental forces and militiamen are implicated in these crimes;
- D. whereas two UN experts, along with support staff, were kidnapped and murdered in the Kasai province in March 2017;
- E. whereas the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) launched a USD 64,5 million appeal in April 2017 for urgent humanitarian assistance in the Kasai region;
- F. whereas human rights organisations are continually reporting on the worsening situation in the country regarding human rights and freedom of expression, assembly and demonstration, an increase in politically motivated trials and the excessive force used against peaceful demonstrators, journalists and political opposition, particularly perpetrated by the army and militias; whereas women and children are the first victims of the conflict, and sexual and gender-based violence, often used as a tactic of war, is widespread;
- G. whereas, under its mandate which was renewed in April 2017 for another year, MONUSCO should contribute to the protection of civilians amid the escalation of violence, and should support the implementation of the political agreement of 31 December 2016, while the MONUSCO contingent should also be deployed with due regard for new security and humanitarian priorities;
- H. whereas the EU adopted restrictive measures on 12 December 2016 against seven individuals in response to the obstruction of the electoral process and human rights violations, and on 29 May 2017 against a further nine individuals who hold positions of responsibility in the state administration and in the chain of command of the DRC security forces;
1. Remains deeply concerned at the deterioration of the political, security and humanitarian situation in the DRC; strongly condemns all human rights violations, including acts of violence by all perpetrators, abductions, killings, torture, sexual violence, and arbitrary arrests and illegal detentions;
  2. Calls for the opening of an independent and comprehensive committee of inquiry, including UN experts, in order to shed light on the violence in the Kasai region and to ensure that the perpetrators of these massacres are held to account for their actions; calls on the Member States to politically and financially support a committee of inquiry;
  3. Recalls that the Government of the DRC bears the primary responsibility to protect civilians within its territory and subject to its jurisdiction, including protection from crimes against humanity and war crimes;
  4. Strongly regrets the delays in organising the next presidential and legislative elections in the DRC, which constitutes a violation of the Congolese constitution; further regrets the lack of progress in implementing the political agreement of 31 December 2016 for transitional arrangements; recalls the commitment made by the Government of the DRC for transparent, free, and fair elections to be held in a credible manner before the end of 2017, ensuring the protection of political rights and freedoms and in compliance with the political agreement, leading to a peaceful transfer of power; reiterates the importance of the publication of a detailed electoral calendar, while welcoming the process of electoral



Wednesday 14 June 2017

registration; calls for the early implementation of the commitments contained in the agreement, in particular the amending and adoption of the necessary laws in the Congolese parliament before the end of the parliamentary session; calls for the electoral law to be amended in order to guarantee the representation of women through appropriate measures;

5. Underlines that the Independent National Electoral Commission is responsible for being an impartial and inclusive institution in the implementation of a credible and democratic electoral process; calls for the immediate creation of a national council for monitoring the agreement and electoral process, in accordance with the 2016 political agreement;

6. Recalls the duty of government to respect, protect and promote fundamental freedoms as a basis for democracy; urges the Congolese authorities to restore an environment conducive to the free and peaceful exercise of freedom of expression, association and assembly and freedom of the media; demands the immediate release of those unlawfully detained, including journalists, opposition members and civil society representatives; asks all political stakeholders to pursue political dialogue;

7. Condemns all violations of international humanitarian law committed by national authorities and security services; is further concerned by reports of serious human rights violations by local militias, including the unlawful recruitment and use of child soldiers, which could constitute war crimes under international law; considers that putting an end to the phenomenon of child soldiers must be a priority of the authorities and of the international community;

8. Reiterates its deep concern about the alarming humanitarian situation in the DRC, which includes displacement, food insecurity, epidemics and natural disasters; urges the EU and its Member States to increase financial and humanitarian aid through reliable organisations, in order to meet the urgent needs of the population, particularly in the Kasai province; strongly condemns all attacks conducted on humanitarian personnel and facilities, and insists that the Congolese authorities ensure the smooth and timely delivery of aid to the population by humanitarian organisations;

9. Welcomes the renewal of MONUSCO's mandate and the work done by the Special Representative of the Secretary-General for the DRC to protect civilians and uphold human rights in the electoral context; stresses that the original and current mandate, which applies to all UN troops in the country, is to 'neutralise armed groups'; calls for the entire MONUSCO force to fully intervene and protect the population from armed groups, to protect women from rape and other sexual violence, and not to allow any limitations on the basis of national command;

10. Notes with concern the risk of regional destabilisation; reiterates its support for the United Nations, the International Organisation of La Francophonie and the African Union in facilitating political dialogue; calls for an intensification of engagement in the Great Lakes region in order to prevent further destabilisation;

11. Recalls the importance of holding individuals to account for human rights abuses and other actions which undermine a consensual and peaceful solution in the DRC; supports the use of EU targeted sanctions against individuals responsible for serious human rights violations; calls for further investigations of, and sanctions to be extended against, the persons responsible, at the highest level of government, for the violence and crimes committed in the DRC and for the plunder of its natural resources, in conformity with the investigations carried out by the UN Group of Experts; stresses that the sanctions must include asset freezes and the prohibition of entering the EU;

12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the European Union for Foreign Affairs and Security Policy, the African Union, the Pan-African Parliament, the ACP-EU Council of Ministers and Joint Parliamentary Assembly, the Secretary-General of the UN, and the President, Prime Minister and Parliament of the Democratic Republic of the Congo.

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Wednesday 14 June 2017

P8\_TA(2017)0265

## State of play of the implementation of the Sustainability Compact in Bangladesh

### European Parliament resolution of 14 June 2017 on the state of play of the implementation of the Sustainability Compact in Bangladesh (2017/2636(RSP))

(2018/C 331/13)

*The European Parliament,*

- having regard to its resolution of 26 November 2015 on freedom of expression in Bangladesh <sup>(1)</sup>,
- having regard to its resolution of 29 April 2015 on the second anniversary of the Rana Plaza building collapse and progress of the Bangladesh Sustainability Compact <sup>(2)</sup>,
- having regard to its resolution of 18 September 2014 on human rights violations in Bangladesh <sup>(3)</sup>,
- having regard to its resolution of 27 April 2017 on the EU flagship initiative on the garment sector <sup>(4)</sup>,
- having regard to its previous resolutions on Bangladesh, in particular those of 16 January 2014 <sup>(5)</sup>, 21 November 2013 <sup>(6)</sup> and 14 March 2013 <sup>(7)</sup>,
- having regard to its resolutions of 25 November 2010 on human rights and social and environmental standards in international trade agreements <sup>(8)</sup> and on corporate social responsibility in international trade agreements <sup>(9)</sup>,
- having regard to its resolutions of 6 February 2013 on ‘Corporate Social Responsibility: accountable, transparent and responsible business behaviour and sustainable growth’ <sup>(10)</sup>, and on ‘Corporate Social Responsibility: promoting society’s interests and a route to sustainable and inclusive recovery’ <sup>(11)</sup>,
- having regard to the Commission staff working document of 24 April 2017 entitled ‘Sustainable garment value chains through EU development action’ (SWD(2017)0147),
- having regard to the Commission communication entitled ‘A renewed EU strategy 2011-2014 for Corporate Social Responsibility’ (COM(2011)0681) and to the results of the public consultation on the Commission’s work on the direction of its corporate social responsibility (CSR) policy after 2014,
- having regard to its resolution of 5 July 2016 on a new forward-looking and innovative future strategy for trade and investment <sup>(12)</sup>,
- having regard to the Commission communication of 14 October 2015 entitled ‘Trade for all — Towards a more responsible trade and investment policy’ (COM(2015)0497),
- having regard to the Cooperation Agreement between the European Community and the People’s Republic of Bangladesh on Partnership and Development,

<sup>(1)</sup> Texts adopted, P8\_TA(2015)0414.

<sup>(2)</sup> OJ C 346, 21.9.2016, p. 39.

<sup>(3)</sup> OJ C 234, 28.6.2016, p. 10.

<sup>(4)</sup> Texts adopted, P8\_TA(2017)0196.

<sup>(5)</sup> OJ C 482, 23.12.2016, p. 149.

<sup>(6)</sup> OJ C 436, 24.11.2016, p. 39.

<sup>(7)</sup> OJ C 36, 29.1.2016, p. 145.

<sup>(8)</sup> OJ C 99 E, 3.4.2012, p. 31.

<sup>(9)</sup> OJ C 99 E, 3.4.2012, p. 101.

<sup>(10)</sup> OJ C 24, 22.1.2016, p. 28.

<sup>(11)</sup> OJ C 24, 22.1.2016, p. 33.

<sup>(12)</sup> Texts adopted, P8\_TA(2016)0299.

Wednesday 14 June 2017

- having regard to the Sustainability Compact for Continuous Improvements in Labour Rights and Factory Safety in the Ready-Made Garment and Knitwear Industry in Bangladesh,
  - having regard to the Commission's Bangladesh Sustainability Compact Technical Status Reports of July 2016 and of 24 April 2015,
  - having regard to the mission report of 23 January 2017 by its Committee on International Trade following the ad hoc delegation visit to Bangladesh (Dhaka) of 15 to 17 November 2016,
  - having regard to the 'Better Work Bangladesh' programme of the International Labour Organisation (ILO), launched in October 2013,
  - having regard to the ILO High Level Tripartite Mission Report, and the 2017 observations of the ILO Committee of Experts on the Application of Conventions and Recommendations concerning Conventions 87 and 98,
  - having regard to the special paragraph in the report of the ILO Committee on Application of Standards of the ILO Conference of 2016,
  - having regard to the complaint filed in 2017 with the ILO Committee on Freedom of Association concerning the government's crackdown on garment workers in Ashulia in December 2016 and the complaint filed with the UN Special Mandates, also concerning the crackdown in Ashulia,
  - having regard to the UN's Johannesburg Declaration on sustainable consumption and production to promote social and economic development,
  - having regard to the UNCTAD Investment Policy Framework for Sustainable Development (2015),
  - having regard to the UN Guiding Principles on Business and Human Rights, which lay down a framework for both governments and companies to protect and respect human rights, endorsed by the UN Human Rights Council in June 2011,
  - having regard to the UN Global Compact on human rights, labour, environment and anti-corruption,
  - having regard to the OECD's Guidelines for Multinational Enterprises,
  - having regard to the Accord Quarterly Aggregate Report on remediation progress at RMG (ready-made garments) factories covered by the Accord of 31 October 2016,
  - having regard to the question to the Commission on the state of play of the implementation of the Sustainability Compact in Bangladesh (O-000037/2017 — B8-0217/2017),
  - having regard to the motion for a resolution of the Committee on International Trade,
  - having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas Bangladesh has become the world's second largest garment producer, with the textile sector providing almost 81 % of total exports; whereas 60 % of the clothing output of Bangladesh goes to the EU, which is the country's major export market;
- B. whereas the ready-made garment (RMG) industry currently employs 4,2 million people in as many as 5 000 factories and indirectly supports the livelihoods of as many as 40 million people — about a quarter of Bangladesh's population; whereas the RMG industry has made an important contribution to poverty reduction and to the empowerment of women; whereas women, mostly from rural areas, represent 80 % of the RMG sector in Bangladesh; whereas, nonetheless, 80 % of workers are still employed in the informal sector; whereas the complex nature of the garment supply chain and its low level of transparency facilitate human rights violations and increase exploitation; whereas the minimum wage in the RMG sector has remained below the World Bank's poverty line;

Wednesday 14 June 2017

- C. whereas gender equality is a driver of development; whereas women's rights fall within the human rights spectrum; whereas it is clearly laid down in Article 8 of the Treaty of the Functioning of the European Union that 'in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women', and, therefore, the EU has a duty to mainstream gender equality in all its policies, guaranteeing that men and women benefit equally from social change, economic growth and the creation of decent jobs, doing away with discrimination and promoting respect for women's rights in the world;
- D. whereas approximately 10 % of the workforce in the RMG sector is employed in Export Processing Zones (EPZs); whereas the EPZ Labour Act falls short of granting sufficient basic rights to workers in comparison to those elsewhere in Bangladesh; whereas a large expansion of EPZs is planned;
- E. whereas the EU's generous unilateral trade preferences under the 'Everything but arms' initiative for least-developed countries (LDCs), enshrined in the EU GSP regulation granting tariff-free access for Bangladesh textiles under flexible rules of origin, have significantly contributed to the success story of Bangladesh's sizeable garment exports and growth in employment;
- F. whereas these trade preferences are enshrined in the EU's principle of promoting fair and free trade, and, therefore, allow the EU to suspend GSP benefits in the most serious cases of human rights violations on the basis of Chapter V, Article 19(1)(a) of the GSP regulation, which stipulates that preferential treatment may be withdrawn temporarily on a number of grounds, including serious and systematic violation of the principles laid down in the conventions listed in Part A of Annex VIII, among them the ILO's eight fundamental conventions;
- G. whereas on the basis of these provisions, the Commission and the EEAS launched, at the beginning of 2017, an enhanced dialogue on labour and human rights with the aim of achieving better compliance with the principles of those conventions;
- H. whereas the ILO devoted a special paragraph to Bangladesh in the report of its Committee on Application of Standards from its conference in 2016, finding the country in serious breach of its obligations under Convention 87 (freedom of association); whereas in 2015 the ILO reported that 78 % of trade union registration applications were rejected, owing to a mixture of hostility to unions on the part of factory managers and certain politicians and an administrative incapacity to register them;
- I. whereas, according to various reports, hundreds of garment workers have died in various factory fires in Bangladesh since 2006, for which regrettably the numerous culpable factory owners and managers have never been brought to justice; whereas it is estimated that every year some 11 700 workers are killed in fatal accidents and another 24 500 die from work-related diseases, across all sectors;
- J. whereas the current minimum wage of 5 300 takas (BDT) or USD 67 per month has not been increased since 2013 and the minimum wage board has not been convened;
- K. whereas since 21 December 2016, following strikes and demonstrations by Bangladeshi garment workers seeking higher wages, the authorities arbitrarily arrested and detained at least 35 union leaders or advocates, shut down union and NGO offices or put them under police surveillance, and suspended or dismissed about 1 600 workers for protesting against low wages in the garment industry;
- L. whereas Bangladesh ranks 145th out of 177 countries on the Transparency Index; whereas corruption is endemic in the global garment supply chain and involves the political class as well as local administrations;
- M. whereas a number of promising initiatives led by the private sector such as the Bangladesh Accord on Fire and Building Safety ('the Accord') have contributed moderately positively to improving supply chain standards and workforce safety over the last 20 years in terms of increasing workers' rights in the garment supply chain;

Wednesday 14 June 2017

- N. whereas the conclusions of the successive reviews of the Compact in 2014, 2015 and 2016 report tangible improvements achieved by the Bangladeshi authorities in some areas, and recognise the contribution of the Compact in moderately improving health and safety in factories and working conditions in the RMG industry; whereas progress relating to workers' rights has been more challenging and no substantial evolution has been witnessed in the last few years in this area; whereas accordingly to the ILO, the shortcomings in amending and implementing the Bangladesh Labour Act of 2013 are resulting in severe obstacles to the exercise of the right of freedom of association and to registering trade unions, especially in the RMG sector in the EPZs; whereas workers in EPZs have been denied the right to join a trade union;
- O. whereas following the disaster, there has been unprecedented demand from European consumers for greater information on where products originate and the conditions in which they are produced; whereas European citizens have submitted countless petitions and have organised campaigns demanding greater accountability from garment brands, to ensure that their products are manufactured in an ethical way;

### ***Responsible business in Bangladesh — primarily a domestic task***

1. Stresses that despite its impressive track record on growth and development in recent years, Bangladesh needs to make sizeable efforts in the long run in order to achieve sustainable and more inclusive economic growth; underlines that structural reforms leading to increased productivity, further diversification of exports, social justice, workers' rights, environmental protection and fighting corruption would be essential in this sense;
2. Calls on the Government of Bangladesh to enhance its level of engagement as regards improving safety and working conditions and workers' rights in the garment sector as a matter of highest priority, and to enhance the implementation of the legislation on building and factory safety, to continue to increase government funding for the labour inspectorate, to continue to recruit and train more factory inspectors, to provide for conditions to lower the turnover of labour inspectors, to set up an annual work plan for follow-up inspections of factories subject to remediation, and to enlarge building and factory inspections to other sectors;
3. Calls on the Government of Bangladesh to amend the 2013 Labour Act so as to address freedom of association and collective bargaining in an effective fashion, to promote social dialogue, to ensure the speedy and non-arbitrary registration of trade unions, to ensure the effective investigation and prosecution of alleged anti-union discrimination and unfair labour practices, to guarantee a legislative framework for labour matters that is in full conformity with international standards, notably in full compliance with ILO Conventions 87 and 98 on freedom of association and collective bargaining, and that is effectively implemented; further urges the government to ensure that the law governing the EPZs allows for full freedom of association in line with the same international standards, and to actively investigate, as a matter of urgency, all acts of anti-union discrimination;
4. Urges the Government of Bangladesh, industry associations and factory owners to pursue remediation work for all export-oriented RMG factories and to ensure that repairs and other inspection follow-ups are undertaken and transparently monitored by the relevant public authorities, recognising the usefulness of the funds mobilised by donors and the importance of effective financial support;
5. Urges the Government of Bangladesh to immediately reconvene the minimum wage board and institute a shorter frequency of wage review;

### ***Private-sector initiatives — an effective and valuable contribution***

6. Calls on the international brands and retailers and the Bangladeshi private sector to stay engaged in order to respect the labour laws and implement CSR measures, and to improve their record as regards responsible business practices, including ensuring decent working conditions for Bangladeshi garment workers, as well as facilitating the provision of transparent information on which factories are producing the goods and coordination mechanisms between relevant initiatives; encourages the continuation of the work of the global retailers and brands for the adoption of a unified code of conduct for factory audits in Bangladesh;

Wednesday 14 June 2017

7. Stresses the achievements of the engagement of the private business sector in cooperation with the Government of Bangladesh and international organisations in the country, through the Accord on Fire and Building Safety; points out, however, that despite marking progress on fire and building safety, the Accord partners still remain concerned with the slow pace of completing remediation on critical safety issues; calls on the parties to the Accord to prolong their engagement by means of it for another period of five years, before the current agreement comes to an end on 12 May 2018; invites the government, as well as the Bangladeshi business sector, to acknowledge the usefulness of the commitment of retailers in Bangladesh through the Accord, and to support the extension of the mandate given to the Accord partners in Bangladesh;
8. Calls on the Government of Bangladesh and the private sector to continue their initiatives aimed at financial compensation and rehabilitation of victims, to develop an effective re-employment strategy and to offer support for entrepreneurship and livelihoods skills;

***The EU and the international community — shared responsibility***

9. Supports the follow-up activities to the Bangladesh Sustainability Compact and the enhanced dialogue of the Commission and the EEAS with Bangladesh on labour and human rights, aimed at achieving better compliance with the principles of the conventions listed in the GSP regulation;
10. Supports the Commission's examination of a possible EU-wide initiative on the garment sector, with voluntary initiatives and strict codes of conduct as its key principles; notes the Commission's working document of 24 April 2017 entitled 'Sustainable garment value chains through EU development action', and reiterates its demand not to limit itself only to that working document, but to include the possible consideration of binding legislation on due diligence; stresses furthermore that coordination, sharing of information and exchange of best practices and the commitment of governments to set the appropriate framework conditions can contribute to increasing the efficiency of private and public value chain initiatives and help achieve positive results on sustainable development; underlines the importance of raising awareness among consumers so as to increase transparency, as well as supporting the efforts for better labour and environmental standards, product safety and sustainable consumption;
11. Takes the view that the Bangladesh Sustainability Compact, in which the EU is a key player, could serve as a paradigm for the establishment of similar partnerships with third countries; calls on the EU to continue and step up its cooperation at international level with organisations such as the ILO, the OECD and the UN in the area of sustainable development and CSR;
12. Supports the efforts of the UN open-ended working group set up with the aim of drawing up a binding UN treaty on business and human rights; calls on the Commission and the Member States to actively engage in the resulting negotiations;
13. Underlines that failure to improve the security situation and systematically confront the threats posed by extremists in Bangladesh will have a direct effect on investment in the country, which will ultimately hold back long-term development and the lives of ordinary people;

***Conclusions***

14. Stresses that the high-quality garment sector is essential for economic and social development in Bangladesh, and that its expansion has allowed large numbers of workers, especially women, to move from the informal to the formal economy; warns against initiatives that could lead to the disengagement of EU and other businesses from Bangladesh and would be damaging not only for the country's reputation but, most importantly, for its future development prospects;
15. Underlines that it is the shared duty of the Government of Bangladesh, the local private sector, the international community and business partners to contribute to achieving responsible business conduct as an overarching goal;

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

Thursday 15 June 2017

P8\_TA(2017)0267

**The case of Afgan Mukhtarli and situation of media in Azerbaijan****European Parliament resolution of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli (2017/2722(RSP))**

(2018/C 331/14)

*The European Parliament,*

- having regard to its previous resolutions on Azerbaijan, in particular those concerning the human rights situation and the rule of law,
- having regard to the established relationship between the EU and Azerbaijan, which took effect in 1999 in the form of a Partnership and Cooperation Agreement (PCA), the creation of the Eastern Partnership (EaP) and Azerbaijan's participation in the Euronest Parliamentary Assembly (PA),
- having regard to the decision adopted by the Milli Majlis of the Republic of Azerbaijan on 30 September 2016 repealing their previous decision of 14 September 2015 to terminate their membership and participation in the Euronest PA, and therefore electing to remain and participate,
- having regard to the mandate adopted on 14 November 2016 for the European Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to negotiate, on behalf of the EU and its Member States, a comprehensive agreement with the Republic of Azerbaijan and to the launch of the negotiations on the abovementioned agreement on 7 February 2017,
- having regard to the visit of the President of Azerbaijan, Ilham Aliyev, to Brussels on 6 February 2017,
- having regard to the recent visit of the delegation of the Committee on Foreign Affairs to Azerbaijan on 22 May 2017,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance,
- having regard to the Freedom House report entitled 'Freedom in the World 2017', which considers the press in Azerbaijan 'not free' and its internet 'partially free',
- having regard to the statement of the VP/HR on the sentencing of Mehman Huseynov in Azerbaijan of 7 March 2017,
- having regard to the EU-Georgia Association Agreement / Deep and Comprehensive Free Trade Area (AA/DCFTA) which entered into force on 1 July 2016,
- having regard to past statements by the Human Rights Commissioner of the Council of Europe, Nils Muiznieks, on the persecution of journalists, civil society / human rights activists and members of the opposition in Azerbaijan,
- having regard to the statement of the Director of the OSCE ODIHR, Michael Georg Link, on the alleged abduction and ill-treatment in custody of Azerbaijani journalist and human rights defender Afgan Mukhtarli of 8 June 2017,
- having regard to the statement by the Spokesperson of the VP/HR on 'illegal detention of Azerbaijani nationals residing in Georgia',
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,



Thursday 15 June 2017

- A. whereas Afgan Mukhtarli, an exiled Azerbaijani investigative journalist who moved to Tbilisi in 2015, disappeared from Tbilisi on 29 May 2017 and resurfaced a few hours later in Baku;
  - B. whereas according to his lawyer, Afgan Mukhtarli was apprehended by unidentified men who were reportedly wearing Georgian criminal police uniforms, pushed into a car, beaten and driven to the Azerbaijani border, where the sum of EUR 10 000 was allegedly planted on his person;
  - C. whereas Afgan Mukhtarli is now facing prosecution for illegally crossing the border, smuggling and violence against police authority; whereas the abovementioned charges could amount to a prison sentence of several years and whereas on 31 May 2017 he was sentenced by a court to three months of pre-trial detention;
  - D. whereas Afgan Mukhtarli has worked for several independent media outlets, including Radio Free Europe / Radio Liberty, and is known for his critical journalistic coverage of the Azerbaijani authorities; whereas he went into exile in Georgia to escape reprisals for his work by the Azerbaijani authorities;
  - E. whereas Georgia is a state party to the European Convention on Human Rights and it is therefore Georgia's responsibility to guarantee the safety of Azerbaijanis living on its territory and to prevent any forced return to their home country; whereas Azerbaijani citizens have, however, increasingly encountered refusals to prolong their residence permits in Georgia;
  - F. whereas the President of Georgia, Giorgi Margvelashvili, has stated that the abduction of Afgan Mukhtarli constituted 'a serious challenge for [Georgian] statehood and sovereignty';
  - G. whereas the Georgian Ministry of the Interior has launched an investigation under Article 143 of the Criminal Code — unlawful imprisonment — into the case of Afgan Mukhtarli and started communication with its Azerbaijani counterparts on this matter;
  - H. whereas the overall human rights situation in Azerbaijan over the last few years remains a matter of serious concern, with continued intimidation and repression, the practice of persecution, reported torture, travel bans and restrictions on freedom of movement of NGO leaders, human rights defenders, members of the opposition, journalists and other civil society representatives;
  - I. whereas on 17 May 2017 the Baku Court of Appeals ordered that Leyla and Arif Yunus, who have been granted political asylum in the Netherlands, be returned to Azerbaijan for renewed court hearings;
  - J. whereas on 12 May 2017, following a request from the Ministry of Transport, Communications and High Technologies, the Sabail district court upheld the decision to block five online media outlets, including the Azerbaijani Service of Radio Free Europe / Radio Liberty (RFE/RL), Azadliq.info, Meydan TV and the satellite TV channels Turan TV and Azerbaijani Saadi;
  - K. whereas the re-launch of relations between the Milli Majlis of the Republic of Azerbaijan and the European Parliament and Azerbaijan's renewed membership of and participation in the Euronest PA and its activities have proven to be valuable;
  - L. whereas on 7 February 2017 the EU and Azerbaijan launched the negotiations of a new agreement that will follow the principles endorsed in the 2015 review of the European Neighbourhood Policy and offer a renewed basis for political dialogue and cooperation between the EU and Azerbaijan;
1. Strongly condemns the abduction of Afgan Mukhtarli in Tbilisi and his subsequent arbitrary detention in Baku; considers this a serious violation of human rights and condemns this grave act of breach of law;
  2. Urges the Georgian authorities to ensure a prompt, thorough, transparent and effective investigation into Afgan Mukhtarli's forced disappearance in Georgia and illegal transfer to Azerbaijan and to bring the perpetrators to justice;
  3. Considers it of utmost importance that the Georgian authorities make every effort possible to clarify beyond any doubt all suspicion regarding the involvement of Georgian state agents in the forced disappearance;



Thursday 15 June 2017

4. Recalls that it is the responsibility of the Georgian authorities to provide protection to all those third-country nationals living in Georgia or requesting political asylum, who face possible severe judicial consequences in their country of origin for human rights or political activities; in this regard, recalls Article 3 of the European Convention on Human Rights, to which Georgia is a party;
5. Strongly condemns the prosecution of Afgan Mukhtarli following bogus charges and reiterates that he is trailed for his work as an independent journalist;
6. Calls on the Azerbaijani authorities to immediately and unconditionally drop all charges against and release Afgan Mukhtarli, as well as all those incarcerated as a result of the exercise of their fundamental rights, including freedom of expression; calls, in the case of Afgan Mukhtarli, on the Georgian authorities to take all the necessary steps vis-à-vis the Azerbaijani authorities in order for him to be able to be reunited with his family;
7. Expresses strong concern that the case of Afgan Mukhtarli is another example of the Azerbaijani authorities targeting and persecuting critics living in exile and their relatives at home; recalls the previous cases of international arrest warrants requested for Azerbaijani citizens living in exile who are critical of the authorities;
8. Calls for an immediate, full, transparent, credible and impartial investigation into the death of Azerbaijani blogger and activist Mehman Galandarov on 28 April 2017 while in the custody of the Azerbaijani authorities;
9. Calls for the immediate and unconditional release from jail of all political prisoners, including journalists, human rights defenders and other civil society activists, namely Afgan Mukhtarli, Ilkin Rustamzadeh, Rashad Ramazanov, Seymur Hazi, Gıyas Ibrahimov, Mehman Huseynov, Bayram Mammadov, İlgar Mammadov, Araz Guliyev, Tofiq Hasanli, İlqiz Qahramanov, Afgan Sadygov and others, including, but not limited to, those covered by the relevant judgments of the European Court of Human Rights (ECHR), and calls for all charges against them to be dropped, and for the full restoration of their political and civil rights, also extended to previously imprisoned and since released political prisoners such as İntigam Aliyev, Khadija İsmayilova and others;
10. Calls on the Azerbaijani authorities to discontinue the ongoing persecution of Leyla and Arif Yunus and draws the attention of Interpol to this case as being motivated on political grounds;
11. Reiterates its urgent call on the Azerbaijani authorities to end the practices of selective criminal prosecution and imprisonment of journalists, human rights defenders and others who criticise the government, and to ensure that all persons detained, including journalists and political and civil society activists, enjoy full due process rights and are covered by fair trial norms;
12. Urges the Azerbaijani authorities to ensure that independent civil society groups and activists can operate without undue hindrance or fear of persecution, including by repealing the laws severely restricting civil society, unfreezing the bank accounts of non-governmental groups and their leaders, and allowing access to foreign funding;
13. Urges the Government of Azerbaijan to fully comply with all rulings of the ECHR, and to cooperate with and implement the recommendations of the Council of Europe's Venice Commission and Commissioner for Human Rights and the UN special procedures in regard to human rights defenders, the rights of freedom of association and peaceful assembly, freedom of expression and arbitrary detention, with the aim of amending its legislation and adapting its practices in full conformity with the conclusions of the experts;
14. Welcomes the release in Azerbaijan of several high-profile human rights defenders, journalists and activists in 2015 and 2016;
15. Underlines the importance of a good political climate between the government, opposition forces and civil society at large;

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**Thursday 15 June 2017**

16. Underlines the importance of the new partnership agreement between the European Union and Azerbaijan; stresses that democratic reforms, the rule of law, good governance, and respect for human rights and fundamental freedoms must be at the core of the new agreement; recalls that it will be monitoring the situation closely throughout the negotiations on a new agreement prior to deciding on whether to give its consent;

17. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Presidents, Governments and Parliaments of Azerbaijan and Georgia, the Council of Europe, the OSCE and the UN Human Rights Council.

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Thursday 15 June 2017

P8\_TA(2017)0268

**Pakistan, notably the situation of human rights defenders and the death penalty****European Parliament resolution of 15 June 2017 on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP))**

(2018/C 331/15)

*The European Parliament,*

- having regard to its previous resolutions on Pakistan,
  - having regard to the Council conclusions of 18 July 2016 on Pakistan,
  - having regard to the EU-Pakistan Five-Year Engagement Plan,
  - having regard to the Human Rights Action Plan of Pakistan,
  - having regard to the EU-Pakistan Multiannual Indicative Programme (MIP) 2014-2020,
  - having regard to the recommendations of the reports of the EU Election Observation Mission to Pakistan,
  - having regard to the statements by the High Representative of the Union for Foreign Affairs and Security Policy and her spokesperson on Pakistan,
  - having regard to the Universal Declaration of Human Rights of 1948, in particular Article 18 thereof,
  - having regard to the International Covenant on Civil and Political Rights, to which Pakistan is a signatory,
  - having regard to the Convention on the Rights of the Child,
  - having regard to the Constitution of Pakistan,
  - having regard to the EU Guidelines on the promotion and protection of freedom of religion or belief, on Human Rights Defenders and on the Death Penalty, and the 2012 Strategic Framework on Human Rights and Democracy,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Pakistan had a moratorium on the death penalty in place until 2015, but reinstated it in the wake of the massacre at the Army Public School in Peshawar in December 2014; whereas the moratorium was lifted initially only for terrorist activities, but was subsequently extended to all capital offences;
- B. whereas Pakistan now has one of the largest death row populations in the world; whereas cases have been reported of executions carried out while appeal mechanisms were still under way;
- C. whereas Pakistan's 'blasphemy law' (Section 295-C of the Penal Code) carries a mandatory death sentence; whereas currently hundreds of people are awaiting trial and a number of individuals are on death row on charges of 'blasphemy'; whereas the law is considered to contain vague definitions which are open to abuse to target political dissidents or silence legitimate criticism of state institutions and other bodies;
- D. whereas in March 2017 the Prime Minister ordered a ban on all 'blasphemous' material online, and Pakistani authorities have asked social media companies to help identify Pakistanis suspected of 'blasphemy'; whereas on 14 April 2017 Mashal Khan, a student at Abdul Wali Khan University, was lynched by a mob of fellow students after having been accused of publishing 'blasphemous' material online; whereas on 10 June 2017 a Pakistani counter-terrorism court

Thursday 15 June 2017

sentenced Taimoor Raza to death for allegedly committing 'blasphemy' on Facebook; whereas the activist Baba Jan and 12 other demonstrators have been sentenced to life imprisonment, the most severe sentence ever to have been handed down for demonstrating;

- E. whereas Pakistan's National Assembly passed a resolution on 18 April 2017 condemning the lynching of Mashal Khan by a violent mob over alleged 'blasphemy'; whereas the Senate has debated reforms in order to rein in abuse;
  - F. whereas military courts were authorised for two years while the civilian judiciary was supposed to be strengthened; whereas there has been little progress in developing the judiciary, and on 22 March 2017 the military courts were controversially reinstated for a further two-year period;
  - G. whereas multiple instances have been noted in Pakistan of human rights defenders, political dissidents and members of religious minorities or groups such as the Ahmadiyya experiencing intimidation, assault, imprisonment, torture and harassment and being killed; whereas information collected by the UN Working Group on Enforced or Involuntary Disappearances and by NGOs reveals that enforced disappearances are being perpetrated by security and law enforcement authorities including the police and intelligence agencies; whereas not a single perpetrator has been successfully brought to justice;
  - H. whereas Indian national Kulbhushan Jadhav was convicted by a military court in April 2017 and sentenced to death; whereas the case is currently before the International Court of Justice on the grounds that he was denied consular access rights; whereas on 4 May 2017 a 10-year-old boy was murdered and five other people wounded in a mob attack on a police station in Balochistan, believed to have been motivated by 'blasphemy' allegations; whereas on 30 May 2017 the alleged rape of a teenager (only named 'Shumaila' in local media) by a family member in Rajanpur led to the victim being sentenced to death by a tribal court; whereas these cases are not isolated events;
  - I. whereas the case of Aasiya Noreen, better known as Asia Bibi, continues to be a matter of grave importance for human rights concerns in Pakistan; whereas Asia Bibi, a Pakistani Christian woman, was convicted of blasphemy by a Pakistani court and sentenced to death by hanging in 2010; whereas should the sentence be carried out Asia Bibi would be the first woman to be lawfully executed in Pakistan for blasphemy; whereas various international petitions have called for her release on the grounds that she was being persecuted for her religion; whereas Christian minority minister Shahbaz Bhatti and Muslim politician Salmaan Taseer were murdered by vigilantes for advocating on her behalf and speaking out against the 'blasphemy laws'; whereas, despite the temporary suspension of Asia Bibi's death sentence, she remains incarcerated to the present day and her family remains in hiding;
  - J. whereas the crackdown on NGOs is continuing unabated; whereas, on the pretext of implementation of the national plan against terrorism, numerous NGOs have been intimidated and harassed and some have had their offices sealed;
  - K. whereas 12 million women do not have national identity cards and are therefore denied the right to register to vote in elections; whereas several EU election observation missions have made recommendations for improving the electoral process for the next elections, which are scheduled for 2018;
  - L. whereas Pakistan entered the GSP+ scheme on 1 January 2014; whereas this scheme should provide a strong incentive to respect core human and labour rights, the environment and good governance principles;
  - M. whereas the EU remains fully committed to continuing its dialogue and engagement with Pakistan under the Five-Year Engagement Plan and its replacement;
1. Reiterates the EU's strong opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment; expresses deep concern at the decision by Pakistan to lift the moratorium, with executions now continuing at an alarming rate; calls on Pakistan to reinstate the moratorium, with the longer-term objective of full abolition of the death penalty;

Thursday 15 June 2017

2. Is deeply concerned at the reports of the use of the death penalty in Pakistan following flawed trials, the execution of minors and persons with mental disorders, and allegations of torture; calls on the government to bring the provisions on the death penalty in national legislation into line with international law and standards, including a halt on executions for any offence other than intentional killing, a ban on the execution of juvenile offenders and persons with mental disorders, and a moratorium on carrying out executions while appeals are pending;
3. Deplores the roll-back in Pakistan over respect for human rights and the rule of law, and in particular the increase in extrajudicial killings and the intimidation of and use of force against journalists, human rights defenders, NGOs and critics of the government; recalls the obligations of the Pakistani government to ensure respect for fundamental rights; welcomes Pakistan's adoption of a Human Rights Action Plan, and calls for it to be translated into tangible progress; warns in this regard that the EU will be extremely concerned if activists continue to fall victim to such practices and progress is not observed;
4. Expresses its concern over the broad freedom of operation granted to the security forces, and calls on the Pakistani Government to ensure better oversight of their actions; urges the competent authorities to undertake a prompt and impartial investigation into deaths in custody and killings by the security forces, as well as allegations of torture, and to prosecute the perpetrators of extrajudicial killings and torture;
5. Deplores the use in Pakistan of military courts that hold hearings in secret and have civilian jurisdiction; insists that the Pakistani authorities grant access to international observers and human rights organisations for purposes of monitoring the use of military courts; calls also for an immediate and transparent transition to independent civilian courts, in line with international standards on judicial proceedings; underscores that third-country nationals brought to trial must be allowed access to consular services and protection;
6. Is deeply concerned at the continued use of the 'blasphemy law', and believes this is heightening the climate of religious intolerance; notes the findings of the Supreme Court of Pakistan that individuals accused of 'blasphemy' 'suffer beyond proportion or repair' in the absence of adequate safeguards against misapplication or misuse of such laws; calls, therefore, on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of 'blasphemy' charges; calls also on the government to take a stronger position in condemning vigilantism towards alleged 'blasphemers', and urges it not to use the 'blasphemy' rhetoric itself;
7. Calls on the Pakistani Government to take urgent action to protect the lives and rights of journalists and bloggers; expresses its concern at the request made by the Pakistani authorities to Twitter and Facebook to disclose information about their users in order to identify individuals suspected of 'blasphemy'; calls on the Government and Parliament of Pakistan to amend the Prevention of Electronic Crimes Act 2016 and to remove the overly wide-ranging provisions for monitoring and retaining data and shutting down websites on the basis of vague criteria; calls also for all death sentences handed down on charges of 'blasphemy' or political dissent to be commuted, including the sentence against Taimoor Raza; calls in this context on the President of Pakistan to make use of his power of clemency;
8. Notes the progress made in the implementation of the EU-Pakistan Five-Year Engagement Plan, but expresses the hope that the new Strategic Engagement Plan to be finalised in 2017 will be ambitious and will help strengthen the ties between the EU and Pakistan;
9. Urges the Government of Pakistan to resolve, in as positive and swift a manner as possible, the ongoing case of Asia Bibi; recommends that steps be taken to ensure the safety of Ms Bibi and her family in the light of the historic treatment of victims of blasphemy allegations by vigilantes and non-judicial actors;
10. Recalls that the granting of GSP+ status is conditional and that the effective implementation of international conventions is an essential requirement under the scheme; urges the Pakistani Government to make strong efforts to implement the 27 core conventions and demonstrate progress;

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**Thursday 15 June 2017**

11. Calls on the Commission and the EEAS to raise these issues with the Pakistani authorities during the regular Human Rights Dialogue;
  12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, and the Government and Parliament of Pakistan.
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Thursday 15 June 2017

P8\_TA(2017)0269

**Human rights situation in Indonesia****European Parliament resolution of 15 June 2017 on the human rights situation in Indonesia (2017/2724(RSP))**

(2018/C 331/16)

*The European Parliament,*

- having regard to its previous resolutions on Indonesia, in particular that of 19 January 2017 <sup>(1)</sup>,
  - having regard to the EU-Indonesia Partnership and Cooperation Agreement (PCA), which entered into force on 1 May 2014, and to the joint press release of 29 November 2016 following the first EU-Indonesia Joint Committee meeting under the PCA,
  - having regard to the EU local statement of 9 May 2017 on freedom of religion or belief and freedom of expression,
  - having regard to the Report of the Office of the United Nations High Commissioner for Human Rights — Compilation on Indonesia, of 17 February 2017, and to the Universal Periodic Review (Third Cycle) and the Summary of stakeholders' submissions on Indonesia, of 20 February 2017,
  - having regard to the statement of 27 July 2016 by the European External Action Service (EEAS) spokesperson on the planned executions in Indonesia,
  - having regard to the 6th European Union-Indonesia Human Rights Dialogue of 28 June 2016,
  - having regard to the Bangkok Declaration on Promoting an ASEAN-EU Global Partnership for Shared Strategic Goals of 14 October 2016,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified in 2006,
  - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1987,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Indonesia is the world's fourth most populous nation, the third largest democracy, the largest Muslim-majority country, and a diverse society comprising 255 million citizens of various ethnicities, languages and cultures;
- B. whereas Indonesia is an important partner of the EU; whereas relations between the EU and Indonesia, a G20 member, are strong; whereas the EU and Indonesia share the same values as regards human rights, governance and democracy;
- C. whereas 2016 saw an unprecedented number of violent, discriminatory, harassing verbal attacks and vitriolic statements against LGBTI people in Indonesia; whereas such attacks have reportedly been stoked, directly or indirectly by government officials, state institutions and extremists; whereas furthermore the nature of such attacks has worsened in 2017;

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0002.

Thursday 15 June 2017

- D. whereas in the special autonomous province of Aceh, governed by Sharia law, consensual same-sex sexual acts and sexual relations outside of marriage are criminalised and carry a penalty of up to 100 lashes and 100 months in prison; whereas, in May 2017, two young men convicted of same-sex sexual relations were sentenced to 85 lashes with a cane; whereas the right not to be tortured is a fundamental and inalienable right;
  - E. whereas in the rest of Indonesia homosexuality is not illegal; whereas the LGBTI community has, nonetheless, been under siege in recent years;
  - F. whereas 141 men were arrested for 'violating pornography laws' in a police raid on a gay club in Jakarta on 21 May 2017;
  - G. whereas, since January 2016, the Constitutional Court in Indonesia has been reviewing a petition aimed at criminalising gay and non-marital sex;
  - H. whereas there is a growing intolerance towards religious minorities in Indonesia, made possible by discriminatory laws and regulations, including a blasphemy law that officially recognises only six religions; whereas, as of June 2017, several people have been convicted and imprisoned under the blasphemy laws;
  - I. whereas in January 2017 the National Commission on Human Rights (Komisi Nasional Hak Asasi Manusia) found that some provinces, such as West Java, experience far more religious intolerance than others, and that regional government officials are often responsible for either tolerating or directly perpetrating abuses;
  - J. whereas there are serious concerns about intimidation and violence against journalists; whereas journalists should have access to the entire country;
  - K. whereas, according to Human Rights Watch, between 2010 and 2015, 49 % of girls aged 14 years or below were victims of female genital mutilation;
  - L. whereas the authorities executed four convicted drug traffickers in July 2016 and indicated that 10 other death row prisoners will be executed in 2017;
1. Appreciates the strong relationship between the EU and Indonesia, and reiterates the importance of the strong and long-standing political, economic and cultural ties between the two parties; stresses the importance of the EU-Indonesia Human Rights Dialogue, allowing for an open exchange on human rights and democracy, which are also the basis of the PCA;
  2. Calls for stronger EU-Indonesia parliamentary contacts through which different issues of mutual interest, including human rights, can be constructively discussed; invites the Indonesian parliament to strengthen such inter-parliamentary relations;
  3. Welcomes Indonesia's active engagement at regional and multilateral levels; stresses that Indonesia was recently examined in the context of a Universal Periodic Review (UPR) during the UN Human Rights Council meeting in May 2017; underlines that, as in previous cycles, Indonesia submitted to this review on a voluntary basis;
  4. Calls on the authorities of the special autonomous province of Aceh to prevent further persecution of homosexuals and to decriminalise homosexuality by amending its Islamic Criminal Code; strongly condemns the caning of two homosexual men of 20 and 23 years of age in Aceh on 22 May 2017, it being the first time authorities in Aceh caned people for homosexual practices; strongly condemns the fact that homosexuality is illegal under Aceh's Islamic Criminal Code, which is based on Sharia law; stresses that the punishment of the two men is cruel, inhuman and degrading treatment which may amount to torture under international law; calls, furthermore, on the authorities to immediately terminate publicly flogging;
  5. Is also concerned about the growing intolerance towards the Indonesian LGBTI community outside the special autonomous province of Aceh; strongly condemns the fact that, despite homosexuality not being a crime under Indonesia's Criminal Code, 141 men were arrested in a police raid on a gay club in Jakarta on 21 May 2017; urges the authorities and government officials to refrain from making public statements that are discriminatory towards LGBTI persons or other minorities in the country; stresses that the police have a duty to enforce the law and to protect vulnerable minorities and not to persecute them;

Thursday 15 June 2017

6. Rejects the assertion of the Indonesian Psychiatric Association that homosexuality and 'transgenderism' are mental health conditions; calls on the authorities to end the forcible detention of LGBTI individuals and also to put an end to all forms of 'treatment' purporting to 'cure' them of homosexuality, bisexuality, or transgender identity, and to rigorously enforce the prohibition;
  7. Welcomes the statement by President Widodo of 19 October 2016 condemning LGBTI discrimination; calls on President Widodo to use his key position to publicly condemn intolerance and crimes against LGBTI persons, minorities, women and organisations or gatherings in the country;
  8. Calls for the revision of the blasphemy law as it puts religious minorities at risk; supports the UN recommendations to repeal Articles 156 and 156(a) of the Criminal Code, the Prevention of Abuse and Defamation of Religion Act, the Electronic Transactions and Data Act and to abandon charges against and the prosecution of those accused of blasphemy;
  9. Is concerned about the growing intolerance towards ethnic, religious and sexual minorities in Indonesia; urges the authorities of Indonesia to continue as well to strengthen their efforts to enhance religious tolerance and social diversity; strongly condemns all acts of violence, harassment and intimidation against minorities; calls for all those committing such violations to be held accountable;
  10. Expresses its concern about serious violations of freedom of the media; urges the Indonesian Government to insist that state agencies adopt a zero-tolerance policy toward physical abuse of journalists and give foreign media open access to the country;
  11. Calls on Indonesia's authorities to repeal all legal provisions unduly restricting fundamental freedoms and human rights; calls on Indonesia's authorities to review all its laws and to ensure their conformity with the country's international obligations, specifically those on freedom of expression, thought, conscience and religion, equality before the law, freedom from discrimination, and the right to expression and public assembly;
  12. Is concerned about reports of persisting violence against women and practices harmful to women, such as female genital mutilation; calls on Indonesia's authorities to enforce its legislation on violence against women, to penalise all forms of sexual violence, to legislate towards eliminating gender inequality and empowering women;
  13. Welcomes the suspension of executions of people on death row convicted of drug trafficking pending a review of their case; urges the Government of Indonesia to continue to halt all such executions and to retry them in accordance with international standards; calls for an immediate reinstatement of the moratorium on the use of the death penalty with a view to abolishing the death penalty;
  14. Calls on the Indonesian Government to fulfil all its obligations and to respect, protect and uphold the rights and freedoms enshrined in the ICCPR;
  15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Indonesia, the Secretary-General of Association of Southeast Asian Nations (ASEAN), the ASEAN Intergovernmental Commission on Human Rights and the UN Human Rights Council.
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Thursday 15 June 2017

P8\_TA(2017)0270

## Implementation of the European Fund for Strategic Investments

**European Parliament resolution of 15 June 2017 on the implementation of the European Fund for Strategic Investments (2016/2064(INI))**

(2018/C 331/17)

*The European Parliament,*

- having regard to Articles 165 and 166 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union, in particular Article 14 thereof,
- 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 <sup>(1)</sup> (the EFSI Regulation),
- having regard to the report from the Commission of 31 May 2016 to the European Parliament, the Council and the European Court of Auditors on the management of the Guarantee Fund of the European Fund for Strategic Investment in 2015 (COM(2016)0353),
- having regard to the Commission communication of 1 June 2016 to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Europe investing again — Taking stock of the Investment Plan for Europe and next steps' (COM(2016)0359),
- having regard to the annual report from the European Investment Bank to the European Parliament and the Council on 2015 EIB Group Financing and Investment Operations under EFSI <sup>(2)</sup>,
- having regard to the Commission staff working document 'Evaluation' (SWD(2016)0297), to the Evaluation of the functioning of the European Fund for Strategic Investments (EFSI) by the European Investment Bank <sup>(3)</sup>, to the Ad-hoc audit of the application of Regulation (EU) 2015/1017 by Ernst and Young <sup>(4)</sup> and to the opinion of the European Court of Auditors <sup>(5)</sup>,
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) No 1316/2013 and (EU) 2015/1017 as regards the extension of the duration of the European Fund for Strategic Investments as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub (COM(2016)0597),
- having regard to the Paris Agreement adopted at the twenty-first session of the Conference of the Parties (COP21) of the United Nations Framework Convention on Climate Change (UNFCCC), held in Paris, France in December 2015,
- having regard to the opinion of the European Economic and Social Committee <sup>(6)</sup>,
- having regard to the opinion of the Committee of the Regions <sup>(7)</sup>,

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

<sup>(2)</sup> [http://www.eib.org/attachments/strategies/efsi\\_2015\\_report\\_ep\\_council\\_en.pdf](http://www.eib.org/attachments/strategies/efsi_2015_report_ep_council_en.pdf)

<sup>(3)</sup> [http://www.eib.org/attachments/ev/ev\\_evaluation\\_efsi\\_en.pdf](http://www.eib.org/attachments/ev/ev_evaluation_efsi_en.pdf), September 2016

<sup>(4)</sup> Report of 14 November 2016, [https://ec.europa.eu/commission/sites/beta-political/files/ey-report-on-efsi\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/ey-report-on-efsi_en.pdf)

<sup>(5)</sup> OJ C 465, 13.12.2016, p. 1.

<sup>(6)</sup> OJ C 268, 14.8.2015, p. 27.

<sup>(7)</sup> OJ C 195, 12.6.2015, p. 41.

Thursday 15 June 2017

- having regard to the joint deliberations of the Committee on Budgets and the Committee on Economic and Monetary Affairs under Rule 55 of the Rules of Procedure,
- 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 Budgets and the Committee on Economic and Monetary Affairs and the opinions of the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Committee on International Trade, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Internal Market and Consumer Protection, the Committee on Regional Development and the Committee on Culture and Education (A8-0200/2017),

1. Takes note of the large investment gap in Europe, which the Commission estimates at a minimum of EUR 200-300 billion a year; highlights in particular, against this backdrop, the needs in Europe for high-risk financing, particularly in the fields of SME financing, R&D, ICT and transport, communications and energy infrastructure, which are necessary to sustain inclusive economic development; is concerned by the fact that the most recent data on national accounts do not indicate any surge in investment since the European Fund for Strategic Investments (EFSI) was launched, leading to concerns that, without a change, there will be continued subdued growth and continuing high unemployment rates, particularly among young people and the new generations; stresses that closing this investment gap by creating an environment conducive to investment in certain strategic areas is key to reviving growth, fighting unemployment, promoting the development of a strong, sustainable and competitive industry and attaining long-term EU policy objectives;

2. Emphasises the role played by EFSI in helping to resolve difficulties and remove obstacles to financing as well as to implement strategic, transformative and productive investments that provide a high level of added value to the economy, the environment and society, to reform and modernise Member States' economies, to create growth and jobs for which market funding is not obtained despite economic feasibility, and to encourage private investment in all regions of the EU;

3. Recalls the role of Parliament as provided for in the regulation, in particular in relation to the monitoring of EFSI implementation; acknowledges, however, that it is too early to finalise a comprehensive evidence-based assessment of the functioning of EFSI and its impact on the EU economy, but is of the opinion that a preliminary evaluation based on comprehensive data on the projects selected and rejected and the related decisions is crucial in order to identify possible areas of improvement for EFSI 2.0 and thereafter; calls on the Commission to come forward with a comprehensive assessment as soon as the information becomes available;

### ***Additionality***

4. Recalls that the purpose of EFSI is to ensure additionality by helping to address market failures or suboptimal investment situations, by supporting operations which could not have been carried out, or not to the same extent, under existing Union financial instruments or through private sources without the involvement of EFSI; notes, however, that there is a need for further clarification of the concept of additionality;

5. Recalls that the projects supported by EFSI, while striving to create employment, sustainable growth, economic, territorial and social cohesion in line with the general objectives laid down in Article 9 of the EFSI Regulation, are considered to provide additionality if they carry a risk corresponding to EIB special activities, as defined in Article 16 of the EIB Statute and by the credit risk policy guidelines of the EIB; recalls that projects supported by EFSI shall typically have a higher risk profile than projects supported by EIB normal operations; underlines that EIB projects carrying a risk lower than the minimum risk under EIB special activities may also be supported by EFSI only if use of the EU guarantee is required to ensure additionality;

6. Notes that, while all projects approved under EFSI are presented as 'special activities', an independent evaluation has found that some projects could have been financed without the use of the EU guarantee;

Thursday 15 June 2017

7. Calls on the Commission, in cooperation with the EIB and the EFSI governance structures, to draw up an inventory of all EU-backed EIB financing falling under the additionality criteria and to provide clear and comprehensive explanations of the evidence that the projects could not have been realised through other means;

8. Notes that a contradiction between the qualitative and quantitative goals of EFSI might occur in the sense that, to achieve the target for attracted private investment, the EIB might fund less risky projects where investors' interest already exists; urges the EIB and the EFSI governance structures to implement real additionality as defined in Article 5 of the EFSI Regulation and to ensure that market failures and sub-optimal situations are fully addressed;

9. Calls on the EIB to ensure transparency in funds management and in relation to the origin of any public, private and third-party contributions, and to provide concrete data, including on specific projects and on foreign investors, and highlights the reporting requirements to Parliament in the EFSI Regulation; reiterates the fact that all potential future third-country contributors have to comply with all EU rules on public procurement, labour law and environmental regulations, and expects that the social and environmental criteria applicable to EIB projects are fully upheld in EFSI project financing decisions;

#### ***Scoreboard and project selection***

10. Notes that, as provided for in the regulation, prior to a project being selected for EFSI support, it has to undergo due-diligence and decision-making processes both in the EIB and the EFSI governance structures; observes that project promoters have expressed a wish for swift feedback and enhanced transparency in relation to both the selection criteria and the amount and type/tranche of possible EFSI support; calls for greater clarity in order to further encourage project promoters to apply for EFSI support, including by making the scoreboard available to applicants for EFSI financing; calls for the decision-making process to be made more transparent in respect of the selection criteria and financial support and to be speeded up, while continuing to ensure robust due-diligence in order to protect EU resources; underlines that, in order to simplify the evaluation process, in particular for investment platforms, joint due-diligence on the part of the EIB and National Promotional Banks (NPBs), or a delegation by the EIB to NPBs, should be encouraged;

11. Considers that the criteria according to which projects and eligible counterparts are assessed should be further clarified; requests further information from the EFSI governing bodies on the evaluations carried out on all projects approved under EFSI accordingly, in particular as regards their additionality, their contribution to sustainable growth and their job creation capacity, as defined in the regulation; calls, in relation to eligible counterparts, for strict rules on corporate governance for these types of entity to become acceptable EFSI partners in respect of EU principles and International Labour Organisation (ILO) standards;

12. Recalls that the scoreboard is a tool for the Investment Committee (IC) to prioritise the use of the EU guarantee for operations that display higher scores and added value, and that it must be used by the Investment Committee accordingly; intends to assess whether the scoreboard and its indicators are being properly consulted, applied and used; requests that the project selection criteria be properly applied and this process be made more transparent; recalls that, according to the annex to the current regulation, the IC must assign equal importance to each pillar of the scoreboard when prioritising projects, irrespective of whether the individual pillar yields a numerical score, or whether it is composed of unscored qualitative and quantitative indicators; regrets that Pillar 3, relevant to the technical aspects of the projects, is in the current scoreboards given the same importance as Pillars 1 and 2, which relate to the more important desired outcomes; criticises the fact that the EIB itself admits that the IC's experts only make use of the 4th pillar for information purposes, not for decision-making; requests that scoreboards, with the exclusion of commercially sensitive information, be made public after the final decision on a project has been taken;

13. Acknowledges that it may take some years to prepare new innovative projects, that the EIB is under pressure to achieve the EUR 315 billion goal and therefore had no option but to launch EFSI activities immediately; is concerned, however, that the EIB, when implementing EFSI, has thus far drawn on its existing project pipeline with lower risk projects to a large extent, thereby reducing its own conventional financing; fears that EFSI does not provide complementary financing for high-risk innovative projects; underlines that even though a project qualifies as a special activity, this does not



Thursday 15 June 2017

necessarily imply that it is risky; however, the classification as a special activity might also stem from the fact that its financing has been structured in an artificially risky fashion, implying that very low-risk projects can also easily end up as high-risk projects; stresses that the project criteria should not be watered down for the sake of achieving the political target of EUR 315 billion in mobilised investments;

14. Requests that the EIB provide an estimate of its potential annual lending capacity in the medium term, taking into account EFSI and possible regulatory developments and to continue its own lending at rates of EUR 70-75 billion a year, using profits, repayments from the programmes etc., and that it use EFSI as complementary tool; notes that this would mean the business volume of the EIB would reach at least EUR 90 billion, not EUR 75 billion in total;

15. Considers it important to discuss whether the envisaged leverage of 15 is appropriate to enable EFSI to support high quality projects bearing a higher risk, and calls on the Commission to provide an assessment to that effect; recalls that this leverage of 15 is portfolio-based and reflects the EIB's financing experience with a view to addressing market failures; calls for weighing up the public goals to be achieved by EFSI as a complement to the volume requirement; suggests that account also be taken of the Union's targets set at the Paris Climate Conference (COP21); calls on the EIB to disclose the leverage achieved to date, together with the underlying calculation method;

16. Points out that small-scale projects often encounter difficulties in obtaining the funding they need; notes with concern that small projects are deterred from applying for EFSI financing, or are even declared ineligible for that funding, based on their size; points to the significant impact that a small project might nevertheless have on a national or regional scale; stresses the need to step up the technical assistance available from the European Investment Advisory Hub (EIAH), which is instrumental in advising and accompanying promoters of small-scale projects in the structuring and bundling of projects via investment platforms or framework agreements; calls on the Steering Board to look into this issue and put forward proposals to correct this situation;

### ***Sectorial diversification***

17. Emphasises that EFSI is a demand-driven instrument, which should, however, be guided by the political objectives set out in the regulation and defined by the Steering Board; calls for more outreach and provision of information to sectors which have an unmet demand for investment, but have not been able to make full use of EFSI; notes, in this regard, that, on an EU macro-economic level, more measures should be taken to boost demand for investment;

18. Welcomes that all sectors defined in the EFSI Regulation have been covered by EFSI financing; points out, however, that certain sectors are under-represented, notably the social infrastructure, health and education sectors, to which only 4 % of EFSI-approved financing has been dedicated; notes that this might be due to a variety of reasons, for example that some sectors might have suffered from a lack of experience and technical knowledge of how to get access to EFSI, or that they already offered better investment opportunities in terms of shovel-ready, bankable projects when EFSI started up; invites the EIB against this backdrop to discuss how to improve sectoral diversification, linking it to the goals set out in the regulation as well as the issue of whether EFSI support should be extended to other sectors;

19. Recalls that the COP21 climate agreement endorsed by the EU requires a major shift towards sustainable investment that EFSI should fully support; stresses that EFSI investments should be compatible with this commitment; underlines the need to strengthen reporting on climate change;

20. Points to the need to increase the percentage of resources allocated to long-term projects such as telecommunications networks, or to projects involving a relatively high degree of risk typically associated with more advanced emerging new technologies; notes that investment in broadband infrastructure and 5G, cybersecurity, the digitalisation of the traditional economy, micro-electronics and high-performance computing (HPC) could further reduce the digital divide;



Thursday 15 June 2017

21. Regrets the lack of concentration limits in the initial ramp-up phase; recalls that the transport sector has made the largest contribution to the EFSI fund, EUR 2,2 billion out of EUR 8 billion, representing more than 25 % of the total guarantee fund; notes with concern that the transport sector has received only around 13 % of all the investment mobilised and made available to date under the EFSI's infrastructure and innovation window, which is far from the 30 % limit established for each specific sector; calls on the Investment Committee to pay particular attention to transport sector projects, since these are still very poorly represented in the investment portfolio, and transport plays a significant role in economic growth and consumer safety;

### **Governance**

22. Observes that the EFSI governance structures have been implemented in full within the EIB; considers that, with a view to improving the efficiency and accountability of EFSI, options for making the EFSI governance structure completely separate from that of the EIB should be discussed;

23. Recalls that the Managing Director (MD) is responsible for the day-to-day management of EFSI, the preparation and chairing of meetings of the IC and for external representation; recalls that the MD is assisted by the Deputy Managing Director (DMD); regrets that, in practice, the respective roles, especially that of the DMD, have not been clearly identified; invites the EIB to reflect on spelling out the tasks of the MD and the DMD more clearly in order to ensure transparency and accountability; considers it important that the MD, assisted by the DMD, continue to set the agenda of the IC meetings; suggests, furthermore, that the MD should devise procedures for tackling potential conflicts of interest within the IC, report to the Steering Board (SB) and propose sanctions for breaches as well as the means to implement them; believes that the authority of the MD and the DMD in carrying out these tasks would be enhanced by enjoying greater autonomy vis-à-vis the EIB; invites the EIB accordingly to explore options for increasing the independence of the MD and the DMD;

24. Recalls that the IC experts are responsible for EFSI project selection, granting the EU guarantee and for approving operations with investment platforms and NPBs or institutions; recalls further that they are independent; is concerned, therefore, about documented conflicts of interest on the part of IC members, which must in all circumstances be avoided in the future;

25. Considers that project selection is not transparent enough; stresses that the EIB should make improvements in relation to the disclosure of information about the projects it approves under EFSI, with a proper justification of additionality and the scoreboard as well as the projects' contribution in achieving the EFSI objectives, with particular emphasis on the expected impact of EFSI operations on the investment gap in the Union;

26. Invites the EIB to reflect on the ways in which cooperation between IC, through the MD and the SB, could be enhanced; considers it important that the MD participate in SB meetings which would allow the MD to inform the SB about future activities;

27. Proposes discussing means of enhancing the transparency of EFSI governance structures for Parliament and the addition of a further full member to the SB appointed by Parliament; urges the EFSI governance bodies to share information with Parliament on a proactive basis;

### **National Promotional Banks**

28. Recalls that as a result of their know-how, NPBs are essential for the success of EFSI, as they are close to, and familiar with, the local markets; finds that synergies have so far not been exploited to the requisite extent; observes a risk of local institutions being crowded out by the EIB and invites the EIB to improve its ability to crowd in national and sub-national partners; calls for the EIB to support the enhancement of existing public banking structures, with a view to actively facilitating the exchange of good practices and market knowledge among these institutions; considers, to that end, that

Thursday 15 June 2017

NPBs should aim at entering into collaboration agreements with the European Investment Fund (EIF); recognises that EFSI and the EIB are increasingly willing to take more junior/subordinated tranches with the NPBs and urges them to continue to do so; invites the Commission and the EIB to discuss whether it would be useful to incorporate NPB expertise into the SB;

### ***Investment platforms***

29. Recalls that diversified investments with a geographical or thematic focus should be made possible by helping to finance and bundle projects and funds from different sources; notes with concern that the first investment platform was only set up in the third quarter of 2016 and that the delay in doing so is hampering the opportunity for small-scale projects to benefit from EFSI and the development of cross-border projects; highlights the need to simplify the rules for establishing investment platforms; requests that the EIB and the European Investment Advisory Hub (EIAH) promote the use of investment platforms as a way of achieving the geographical and thematic diversification of investments;

30. Urges the EFSI governing bodies to pay greater attention to investment platforms with a view to maximising the benefits that the latter can bring in overcoming investment barriers, especially in Member States with less developed financial markets; invites the EIB to provide stakeholders, including national, local and regional bodies, with more information on the platforms and the conditions and criteria governing their establishment; recognises the role of local and regional authorities in identifying strategic projects and encouraging participation;

31. Proposes a discussion of additional means of promoting investment platforms, such as by prioritising the approval of projects presented via a platform, the pooling of smaller projects and group contracts and establishing mechanisms to finance groupings of contracts; believes that transnational platforms should be promoted in particular, as many energy and digital projects have a transnational dimension;

### ***Financial instruments***

32. Recalls that the EIB has developed new financial instruments for the purposes of EFSI in order to provide tailor-made products for high-risk financing; urges the EIB to further increase its added value by focusing on riskier financial products such as subordinated finance and capital market instruments; expresses concerns about project promoters' criticisms that the financing instruments provided are not compatible with their projects' needs (high-risk projects often need money upfront to kick-start investments, and not in smaller amounts on a year-by-year basis) and investors stressing that they are currently not in a position to participate in EFSI financing due to a lack of appropriate private equity instruments; invites the EIB to examine this in cooperation with project promoters and investors; invites the EIB, furthermore, to explore how the development of green bonds can maximise the potential of EFSI in the financing of projects which have positive environmental and/or climate benefits;

### ***Geographical diversification***

33. Welcomes that by the end of 2016 all 28 countries had received EFSI funding; notes with concern, however, that as of 30 June 2016, the EU-15 had received 91 % whereas the EU-13 had only received 9 % of EFSI support; regrets that EFSI support has mainly benefited a limited number of countries where the investment gaps are already below the EU average; notes that within beneficiary countries, there is often an unequal geographical distribution of EFSI-funded projects; considers there is a risk of territorial concentration and underlines the need for greater attention to be paid to less developed regions across all 28 Member States; calls on the EIB to provide further technical assistance to those countries and regions which have benefited less from EFSI;

34. Acknowledges that GDP and the number of projects approved are linked; recognises that larger Member States are able to take advantage of more developed capital markets and are therefore more likely to benefit from a market-driven instrument such as EFSI; underlines that lower EFSI support in the EU-13 may be attributable to other factors, such as the small size of projects, the peripheral geographical position of a given region and competition from the European Structural and Investment Funds (ESI Funds); observes with concern, however, the disproportionate benefit to certain countries and

Thursday 15 June 2017

underlines the need to diversify geographical distribution further, especially in crucial sectors such as modernising and improving the productivity and sustainability of economies, with a key focus on technological development; asks the Commission to further investigate and map out the reasons for the current geographical distribution;

#### ***European Investment Advisory Hub (EIAH)***

35. Attaches the utmost importance to the operation of the EIAH; considers that its mission to act as a single point of entry to comprehensive advisory and technical assistance throughout all stages of the project cycle largely responds to the growing need for technical assistance support among authorities and project promoters;

36. Is pleased that the EIAH has been up and running since September 2015, moving through a quick implementation phase; acknowledges that, due to the limited period of its existence and a shortage of staff at the initial stage, not all EIAH services have been fully developed and that activity has predominantly focused on providing support for project development and structuring, policy advice, and project screening; underlines the need for the EIAH to recruit experts from various areas in an effort to better target its advice, communication and support towards the sectors which do not use EFSI to the fullest extent;

37. Is convinced that the EIAH has the potential to play an instrumental role in addressing many of the shortcomings of EFSI implementation; believes strongly that, in order to do so, it needs to adopt a more proactive stance in providing assistance in fields such as setting up investment platforms, also in view of the latter's importance in the financing of smaller projects; stresses also the role of the EIAH in providing advice combining other sources of Union funding with EFSI;

38. Considers, similarly, that the EIAH can actively contribute towards geographical and sectoral diversification, not only by covering all regions and more sectors in the provision of its services, but also by assisting the EIB in launching operations; believes that the EIAH can play an important role in contributing to the objective of economic, social and territorial cohesion;

39. Recalls that the EFSI Regulation confers a mandate on the EIAH to leverage local knowledge with a view to facilitating EFSI support across the Union; believes that significant improvements are needed in this area, notably more cooperation with the appropriate national institutions; attaches great importance to the provision of services at local level, also in order to take account of specific situations and local needs, especially in countries that do not have experienced National Promotional Institutions (NPIs) or NPBs; considers that links with other local providers should be enhanced to take this into account;

40. Expects the EIAH to conclude its recruitment processes and reach its full staffing levels without further delay; expresses doubts, however, that the staff capacity provided for will be sufficient for the EIAH to provide the required advisory services and to cope with an increased workload, as well as a broader mandate;

41. Stresses that the EIAH needs to enhance the profile of its services, improve communication and raise awareness and understanding of its activities amongst EIAH stakeholders; considers that all relevant communication channels should be deployed to achieve this purpose, including at national and local level;

#### ***European Investment Project Portal (EIPP)***

42. Regrets that the European Investment Project Portal (EIPP) was only launched by the Commission on 1 June 2016, almost a year after the adoption of the EFSI Regulation; notes that the portal is now operational, with 139 projects currently displayed, but considers that this is still very far from the potential expected when the EFSI Regulation was adopted;

43. Considers that the EIPP provides a user-friendly platform for project promoters to boost the visibility of their investment projects in a transparent manner; believes, however, that the key to the success of the portal is to increase its own visibility significantly, in order to achieve common acknowledgement as a useful, reliable and efficient tool both among investors and project promoters; urges the Commission to work actively in this direction through solid communication activities;

Thursday 15 June 2017

44. Notes that the costs related to the set-up and development, management, support and maintenance, and hosting of the EIPP are currently covered by the EU budget, within the annual allocation of EUR 20 million provided for for the EIAH; recalls, however, that the fees charged to private project promoters registering their project on the portal shall constitute external assigned revenue for the EIPP and in the future will be its main source of financing;

### ***Guarantee***

45. Recalls that the Union provides an irrevocable and unconditional guarantee to the EIB for financing and investment operations under EFSI; is convinced that the EU Guarantee has enabled the EIB to take on higher risk for the Infrastructure and Investment Window (IIW) and has permitted the financing of SMEs, mid-caps under COSME and InnovFin supported by the SME Window (SMEW) to be enhanced and frontloaded; believes that the threshold of EUR 25 million, that seems to be used by the EIB for its normal lending operations, should not be applicable to EFSI, in order to increase the financing of smaller projects and facilitate access for SMEs and other potential beneficiaries;

46. Stresses that, due to a very strong uptake reflecting the high market demand, the SME Window was further reinforced by EUR 500 million from the IIW Debt Portfolio under the existing legislative framework; welcomes that, due to the flexibility of the EFSI Regulation, the additional financing was granted to benefit SMEs and small mid-caps; intends to monitor closely the allocation of the guarantee under the two windows; notes further that, as of 30 June 2016, signed operations under the IIW reached only 9 % of the total targeted volume;

47. Recalls that the EU Guarantee Fund is predominantly funded from the EU budget; takes account of all relevant evaluations suggesting that the current provisioning rate of the Guarantee Fund of 50 % appears to be cautious and prudent in terms of covering potential losses and that the Union budget would already be shielded by an adjusted target rate of 35 %; intends to examine whether proposals for a lower target rate would have repercussions on the quality and nature of the projects selected; stresses that, so far, there have been no calls as a result of defaults of EIB or EIF operations;

### ***Future financing, fund capacity***

48. Notes that the Commission has proposed an extension of EFSI, both in terms of duration and financial capacity, and that this would have an impact on the EU budget; expresses its intention to put forward alternative financing proposals;

49. Recalls that Member States were invited to contribute to EFSI in order to broaden its capacity, thereby enabling it to support more higher-risk investments; regrets that despite such investment being considered as a one-off measure within the meaning of Article 5 of Council Regulation (EC) No 1466/97 of 7 July 1997 on the strengthening of the surveillance of budgetary provisions and the surveillance and coordination of economic policies <sup>(1)</sup> and Article 3 of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure <sup>(2)</sup>, Member States did not take this initiative; requests information from the EIB and the Commission as to whether they have undertaken efforts in the meantime to convince Member States to contribute to EFSI, and whether they might be able to attract other investors; invites the Commission and the EIB to step up their efforts in this direction;

### ***Complementarities with other EU financing sources***

50. Notes that awareness of overlaps and competition between EFSI and financial instruments of the EU budget on the part of the Commission and the EIB has led to the adoption of guidelines recommending the combination of EFSI and ESI Fund financing; underlines that any combination of EFSI and ESI Fund financing should in no way prove detrimental to the level and orientation of ESI Fund grant financing; points, however, to persistent differences in the eligibility criteria, regulations, timeframe for reporting and the application of state aid rules, which hinder combined usage; welcomes the fact that the Commission has begun to address these in its proposal for a revision of the Financial Regulation and hopes this

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<sup>(1)</sup> OJ L 209, 2.8.1997, p. 1.

<sup>(2)</sup> OJ L 209, 2.8.1997, p. 6.

Thursday 15 June 2017

revision will be performed in a timely manner so as to simplify the combination of financing and avoid competition and overlaps; believes that further efforts are required and that the second and third pillars of the investment plan are key to this end;

51. Suggests that the Commission should, in its regular reports, list the projects that benefit from blending Connecting Europe Facility (CEF) grants with EFSI;

52. Notes that public-private partnership (PPP) transport infrastructure projects should normally be based on the user-pays principle in order to reduce the burden imposed on public budgets and taxpayers for the construction and maintenance of infrastructure; notes that it is important to coordinate various types of EU funding in order to ensure that EU transport policy objectives are met across the entire EU, and not to promote PPP-type funds at the expense of Structural Funds;

#### **Taxation**

53. Is deeply concerned that, in some cases, the EIB has been pushing via EFSI to support projects that have been structured using firms in tax havens; urges the EIB and the EIF to refrain from making use of or engaging in tax avoidance structures, in particular aggressive tax planning schemes, or practices which do not comply with EU good governance principles on taxation, as set out in the relevant Union legislation, including Commission recommendations and communications; insists that no project or promoter can be dependent on a person or company operating in a country included on the prospective common EU list of non-cooperative tax jurisdictions;

#### **Communication and visibility**

54. Observes that many project promoters are not aware of the existence of EFSI, or have an insufficiently clear picture of what EFSI can offer them, the specific eligibility criteria and the concrete steps to take when applying for financing; underlines that further efforts, including targeted technical support, in their respective EU language, in Member States that have benefited less from EFSI, have to be made to raise awareness of what EFSI is, which specific products and services it has to offer and of the roles of investment platforms and NPBs;

55. Calls for all information material and all material pertaining to the financing procedure to be translated into all the languages of the Member States, in order to facilitate information and access at local level;

56. Expresses concern that the direct support given to financial intermediaries, which are then responsible for the allocation of EU financing, might lead to situations in which the end beneficiary is not aware of benefiting from EFSI financing and calls for solutions to be found to improve EFSI's visibility; calls, therefore, on the EIB to include in EFSI contracts a specific clause making it clear to the project promoter that the financing received has been made possible by the EFSI/EU budget;

#### **Extension**

57. Acknowledges that EFSI alone — and on a limited scale — will probably not be able to close the investment gap in Europe, but that it nevertheless constitutes a central pillar of the EU's investment plan and signals the EU's determination to tackle this issue; calls for further proposals to be made on how to permanently boost investment in Europe;

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

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Thursday 15 June 2017

P8\_TA(2017)0271

**European Agenda for the collaborative economy****European Parliament resolution of 15 June 2017 on a European Agenda for the collaborative economy (2017/2003(INI))**

(2018/C 331/18)

*The European Parliament,*

- having regard to its resolution of 19 January 2016 on Towards a Digital Single Market Act <sup>(1)</sup>,
- having regard to its resolution of 26 May 2016 on the Single Market Strategy <sup>(2)</sup>,
- having regard to its resolution of 24 November 2016 on new opportunities for small transport businesses, including collaborative business models <sup>(3)</sup>,
- having regard to the meeting of the Council High Level Working Group on Competitiveness and Growth of 12 September 2016 and the Presidency's discussion paper on the subject <sup>(4)</sup>,
- having regard to the Commission communication of 2 June 2016 on a European agenda for the collaborative economy (COM(2016)0356),
- having regard to the Commission communication of 25 May 2016 on online platforms and the Digital Single Market opportunities and challenges for Europe (COM(2016)0288),
- having regard to the Commission communication of 28 October 2015 entitled 'Upgrading the Single Market: more opportunities for people and business' (COM(2015)0550),
- having regard to the Commission communication of 6 May 2015 on a Digital Single Market Strategy for Europe 2015 (COM(2015)0192),
- having regard to the Competitiveness Council of 29 September 2016 and its outcome,
- having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market <sup>(5)</sup> ('Services Directive'),
- having regard to 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) <sup>(6)</sup>,
- having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council, and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) <sup>(7)</sup>,
- having regard to Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws <sup>(8)</sup>,

<sup>(1)</sup> Texts adopted, P8\_TA(2016)0009.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0237.

<sup>(3)</sup> Texts adopted, P8\_TA(2016)0455.

<sup>(4)</sup> <http://data.consilium.europa.eu/doc/document/ST-11834-2016-INIT/en/pdf>

<sup>(5)</sup> OJ L 376, 27.12.2006, p. 36.

<sup>(6)</sup> OJ L 178, 17.7.2000, p. 1.

<sup>(7)</sup> OJ L 149, 11.6.2005, p. 22.

<sup>(8)</sup> OJ L 337, 18.12.2009, p. 11.



Thursday 15 June 2017

- having regard to the Commission staff working document of 25 May 2016 on guidance on the implementation of Directive 2005/29/EC on Unfair Commercial Practices (SWD(2016)0163),
  - having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 7 December 2016 entitled ‘The collaborative economy and online platforms: a shared view of cities and regions’ <sup>(2)</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 15 December 2016 on the collaborative economy <sup>(3)</sup>,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on Employment and Social Affairs, the Committee on Industry, Research and Energy and the Committee on Transport and Tourism (A8-0195/2017),
- A. whereas the collaborative economy has experienced rapid growth in recent years, in terms of users, transactions and revenues, reshaping how products and services are provided and challenging well-established business models in many areas;
- B. whereas the collaborative economy has social benefits for EU citizens,
- C. whereas small and medium-sized enterprises (SMEs) are the main engine of the European economy, representing, according to 2014 figures, 99,8 % of all undertakings outside the financial sector and accounting for two out of three of all jobs;
- D. whereas only 1,7 % of enterprises in the EU make full use of advanced digital technologies, while 41 % do not use them at all; whereas the digitalisation of all sectors is crucial if the EU’s competitiveness is to be maintained and improved;
- E. whereas a recent study by the Commission shows that 17 % of European consumers have used services provided by the collaborative economy, and 52 % are aware of the services offered <sup>(4)</sup>;
- F. whereas there are no official statistics on the volume of employment in the collaborative economy;
- G. whereas the collaborative economy offers possibilities for young people, migrants, part-time workers and senior citizens to access the labour market;
- H. whereas collaborative economy models can help to boost the participation of women in the labour market and the economy, by providing opportunities for flexible forms of entrepreneurship and employment;
- I. whereas, while the recent Commission communication on a European agenda for the collaborative economy presents a good starting point for promoting and regulating this sector effectively, there is a need to incorporate the gender equality perspective and to reflect the provisions of the relevant anti-discrimination legislation in the context of further analysis and recommendations in this field;
- J. whereas promoting social justice and protection, as defined in Article 3 of the Treaty on European Union and Article 9 on the Treaty on the Functioning of the European Union, is also an objective of the EU’s internal market;

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

<sup>(2)</sup> ECON-VI/016.

<sup>(3)</sup> OJ C 75, 10.3.2017, p. 33.

<sup>(4)</sup> Flash Eurobarometer 438 (March 2016) on ‘The use of collaborative platforms’.



Thursday 15 June 2017

***General considerations***

1. Welcomes the communication on a European agenda for the collaborative economy, and underlines that it should represent a first step towards a well-balanced, more comprehensive and ambitious EU strategy on the collaborative economy;
2. Believes that, if developed in a responsible manner, the collaborative economy creates significant opportunities for citizens and consumers, who benefit from enhanced competition, tailored services, increased choice and lower prices; underlines that the growth in this sector is consumer driven and allows consumers to take a more active role;
3. Stresses the need to enable businesses to grow by removing hurdles, duplication and fragmentation that hinders cross-border development;
4. Encourages Member States to provide legal clarity and not to view the collaborative economy as a threat to the traditional economy; stresses the importance of regulating the collaborative economy in a way that is facilitating and enabling rather than restrictive;
5. Agrees that the collaborative economy generates new and interesting entrepreneurial opportunities, jobs and growth, and frequently plays an important role in making the economic system not only more efficient, but also socially and environmentally sustainable, allowing for a better allocation of resources and assets that are otherwise under-used, and thus contributing to the transition towards a circular economy;
6. Acknowledges, at the same time, that the collaborative economy can have a significant impact on long-established regulated business models in many strategic sectors such as transportation, accommodation, the restaurant industry, services, retail and finance; understands the challenges linked to having different legal standards for similar economic actors; believes that the collaborative economy empowers consumers, offers new job opportunities and has the potential to facilitate tax compliance, but stresses nevertheless the importance of ensuring a high level of consumer protection, of fully upholding workers' rights and of ensuring tax compliance; recognises that the collaborative economy affects both urban and rural environments;
7. Points to the lack of clarity among entrepreneurs, consumers and authorities as to how to apply current regulations in some areas and thus the need to address regulatory grey areas, and is concerned about the risk of fragmentation of the single market; is aware that, if not properly governed, these changes could result in legal uncertainty about applicable rules and constraints in exercising individual rights and protecting consumers; believes that regulation needs to be fit for purpose for the digital age and is deeply concerned about the negative impact of legal uncertainty and the complexity of rules on European start-ups and non-profit organisations involved in the collaborative economy;
8. Considers that the development of a dynamic, clear and, where appropriate, harmonised legal environment and the establishment of a level playing field is an essential precondition for a flourishing collaborative economy in the EU;

***Collaborative economy in the EU***

9. Emphasises the need to consider the collaborative economy not only as a collection of new business models offering goods and services but also as a new form of integration between the economy and society where the services offered are based on a wide variety of relations embedding economic relations within social ones and creating new forms of community and new business models;
10. Notes the fact that the collaborative economy in Europe has some specific traits, also reflecting the European business structure, which consists mainly of SMEs and micro-enterprises; stresses the need to ensure a business environment where collaborative platforms are able to scale-up and be highly competitive on the global market;

Thursday 15 June 2017

11. Notes that European entrepreneurs show a strong propensity for creating collaborative platforms for social purposes, and acknowledges a growing interest in the collaborative economy based on cooperative business models;
12. Underlines the importance of preventing any form of discrimination, so as to grant effective and equal access to collaborative services;
13. Considers that those services offered within the collaborative economy which are publicly advertised and offered for profit fall within the remit of 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<sup>(1)</sup> and should, therefore, be consistent with the principle of equal treatment of women and men;

***EU regulatory framework: peers, consumers, collaborative platforms***

14. Recognises that while certain parts of the collaborative economy are covered by regulation, including at local and national level, other parts may fall into regulatory grey areas as it is not always clear which EU regulations apply, thus causing significant differences among the Member States due to national, regional and local regulations as well as case-law, thereby fragmenting the Single Market;
15. Welcomes the Commission's intention to tackle the current fragmentation, but regrets that its communication did not bring sufficient clarity about the applicability of existing EU legislation to different collaborative economy models; emphasises the need for the Member States to step up enforcement of existing legislation, and calls on the Commission to aim for an enforcement framework supporting the Member States in their efforts, most importantly regarding the Services Directive and the consumer acquis; calls on the Commission to make full use of all tools available in this context, including infringement procedures, whenever incorrect or insufficient implementation of the legislation is identified;
16. Stresses that market access requirements for collaborative platforms and service providers must be necessary, justified and proportionate as provided for in the Treaties and secondary legislation, as well as simple and clear; underlines that this assessment should take into consideration whether services are provided by professionals or private individuals, making peer providers subject to lighter legal requirements, while ensuring quality standards and a high level of consumer protection as well as taking into account sectoral differences;
17. Recognises the need for incumbents, new operators and services linked to digital platforms and the collaborative economy to develop in a business friendly environment, with healthy competition and transparency with regard to legislative changes; agrees that when assessing market access requirements in the context of the Services Directive, Member States should take into account the specific features of collaborative economy businesses;
18. Urges the Commission to work together with Member States to provide further guidelines on laying down effective criteria for distinguishing between peers and professionals, which is crucial for the fair development of the collaborative economy; points out that these guidelines should provide clarity and legal certainty and take into account, inter alia, the differing legislation in Member States and their economic realities, such as income level, the characteristics of the sectors, the situation of micro and small businesses and the profit making purpose of the activity; is of the opinion that a set of general principles and criteria at EU level and a set of thresholds at national level could be a way forward, and calls on the Commission to conduct a study in this respect;
19. Draws attention to the fact that while establishing thresholds can provide appropriate dividing lines between peers and businesses, it may, at the same time, create a disparity between micro and small businesses on the one side, and peers on the other; believes that a level playing field among comparable categories of service providers is highly recommended; calls for the removal of unnecessary regulatory burdens and unjustified market access requirements for all business operators, in particular for micro and small businesses, as this also stifles innovation;

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<sup>(1)</sup> OJ L 373, 21.12.2004, p. 37.

Thursday 15 June 2017

20. Welcomes the Commission's initiative to ensure the adequacy of consumer law and preventing abuse of the collaborative economy to circumvent legislation; believes that consumers should enjoy a high and effective level of protection, regardless of whether services are provided by professionals or peers and highlights, in particular, the importance of protecting consumers in peer-to-peer transactions, while recognising that some form of protection can be delivered by self-regulation;

21. Calls for action to be taken to guarantee full use of, and constant compliance with, consumer protection rules by occasional service providers, on the same or on a comparable basis as professional service providers;

22. Notes that consumers should have access to information on whether reviews by other users of a service might not be subject to influence from the provider, for example in the form of paid advertising;

23. Points to the need for greater clarity regarding safeguards for consumers in the event of disputes, and calls on the collaborative platforms to ensure that effective systems are in place for complaint procedures and settling disputes, thus facilitating the way consumers can exercise their rights;

24. Stresses that collaborative economy business models are largely based on reputation, and highlights that transparency is essential in this respect; believes that in many cases collaborative economy business models empower consumers and allow them to take an active role, supported by technology; emphasises that, rules for protecting consumers are still needed in the collaborative economy, especially where there are market dominated players, asymmetric information, a lack of choice or competition; underlines the importance of guaranteeing adequate information for consumers about the applicable legal regime of each transaction and consequent rights and legal obligations;

25. Calls on the Commission to further clarify the liability regimes of collaborative platforms as quickly as possible, in order to promote responsible behaviour, transparency, legal certainty and thereby increase user confidence; acknowledges, in particular, the lack of certainty especially on whether a platform provides an underlying service or is merely offering an information society service, according to the e-Commerce Directive; calls, therefore, on the Commission to provide further guidance on these aspects and to consider whether further actions are needed to make the regulatory framework more effective; encourages collaborative platforms, at the same time, to take voluntary measures in this respect;

26. Calls on the Commission to further scrutinise EU legislation in order to reduce uncertainties and guarantee greater legal certainty concerning the rules applicable to collaborative business models and to assess whether new or amended rules are appropriate, in particular concerning active intermediaries and their information and transparency requirements, non-performance and liability;

27. Believes that any new regulatory framework should leverage platforms' self-governing capacities and peer-review mechanisms, since both have proved to work effectively and take into account consumer satisfaction with collaborative services; is convinced that collaborative platforms themselves can take an active role in creating such a new regulatory environment by correcting asymmetric information, especially by means of digital reputation mechanisms to increase user trust; notes, at the same time, that the collaborative platform's self-regulating capacity does not replace the need for the existing rules such as the Service and e-Commerce Directives, EU consumer law and other possible rules;

28. Believes, therefore, that digital trust building mechanisms are an essential part of the collaborative economy; welcomes all efforts and initiatives put in place by collaborative platforms to avert distortions as well as those aimed at enhancing trust and transparency in rating and reviews mechanisms, establishing reliable reputation criteria, introducing guarantees or insurance, the identity verification of peers and prosumers, and developing secure and transparent payment systems; considers these new technological developments, such as two-way rating mechanisms, independent checks of reviews and voluntary adoption of certification schemes as good examples of how to prevent abuses, manipulations, fraud and fake feedback; encourages collaborative platforms to learn from best practices and raise awareness about their users' legal obligations;

Thursday 15 June 2017

29. Points out the crucial importance of clarifying methods by which automated decision-making systems based on algorithms operate, in order to guarantee algorithm fairness and transparency; asks the Commission to also examine this issue from the EU competition law perspective; calls on the Commission to engage with Member States, the private sector and the relevant regulators with a view to laying down effective criteria for developing algorithm accountability principles for information-based collaborative platforms;

30. Emphasises the need to assess the use of data where it may have different impacts on different segments of society, to prevent discrimination and to verify the potential harm to privacy caused by big data; recalls that the EU has already developed a comprehensive framework for data protection in the General Data Protection Regulation, and therefore calls on collaborative economy platforms not to neglect the issue of data protection, by supplying transparent information to service providers and users about the personal data collected and the way in which those data are processed;

31. Recognises that many rules from EU *acquis* are already applicable to the collaborative economy; calls on the Commission to assess the need to further develop an EU legal framework in order to prevent further fragmentation of the Single Market in line with better regulation principles and Member States' experiences; believes that this framework should be harmonised, where appropriate, as well as flexible, technologically neutral and future proof and should consist of a combination of general principles and specific rules, in addition to any sector-specific regulation that might be needed;

32. Emphasises the importance of coherent legislation in order to guarantee the proper functioning of the internal market for all, and calls on the Commission to safeguard current rules and legislation on workers' and consumer rights before introducing new legislation which could fragmentise the internal market;

### ***Competition and tax compliance***

33. Welcomes the fact that the rise of the collaborative economy has brought greater competition and has challenged existing operators to focus on consumers' real demands; encourages the Commission to foster a level playing field for competition in comparable services among collaborative platforms and between them and traditional enterprises; stresses the importance of identifying and addressing barriers to the emergence and scaling-up of collaborative businesses, especially start-ups; underlines in this context the need for the free flow of data, data portability and interoperability, which facilitate switching between platforms and prevent lock-in, which are all key factors for open and fair competition and for empowering users of collaborative platforms while taking into account legitimate interests of all market players and protecting user information and personal data;

34. Welcomes the increased traceability of economic transactions enabled by online platforms in order to ensure tax compliance and enforcement, but is concerned about the difficulties that have emerged so far in some sectors; stresses that the collaborative economy should never be used as a way of avoiding tax obligations; stresses, further, the urgent need for collaboration between the competent authorities and collaborative platforms on tax compliance and collection; recognises that these issues have been addressed in certain Member States and takes note of successful public-private cooperation in this field; calls on the Commission to facilitate exchange of best practices among Member States, involving competent authorities and stakeholders, to develop effective and innovative solutions enhancing tax compliance and enforcement, in order to also eliminate the risk of cross-border tax fraud; invites the collaborative platforms to play an active role in this regard; encourages the Member States to clarify and to cooperate on the information that different economic actors involved in the collaborative economy must disclose to tax authorities in the framework of their tax information duties, as provided for by national legislation;

35. Agrees that functionally similar tax obligations should be applied to businesses providing comparable services, whether in the traditional economy or in the collaborative economy, and believes that taxes should be paid where profits are generated and where more is involved than simply contributions to costs, while respecting the principle of subsidiarity, and also in accordance with national and local tax laws;

Thursday 15 June 2017

***Impact on labour market and workers' rights***

36. Emphasises that the digital revolution is having a significant impact on the labour market and that emerging trends in the collaborative economy are part of a current trend within the digitalisation of society;

37. Notes, at the same time, that the collaborative economy is opening new opportunities and new, flexible routes into work for all users, especially for the self-employed, for those who are unemployed, currently far from the labour market or would otherwise be unable to participate in it and could thus serve as a point of entry to the labour market, especially for young people and marginalised groups; points out, however, that, in some circumstances, this development can also lead to precarious situations; stresses the need for labour market flexibility, on the one hand, and for economic and social security for workers on the other, in line with customs and traditions in Member States;

38. Calls on the Commission to examine how far existing Union rules are applicable to the digital labour market and ensure adequate implementation and enforcement; calls on the Member States, in collaboration with social partners and other relevant stakeholders, to assess, in a proactive way and based on the logic of anticipation, the need to modernise existing legislation, including social security systems, so as to stay abreast of technological developments while ensuring workers' protection; calls on the Commission and the Member States to coordinate social security systems with a view to ensuring the exportability of benefits and aggregation of periods in accordance with Union and national legislation; encourages social partners to update collective agreements where necessary so that existing protection standards can also be maintained in the digital work world;

39. Underlines the paramount importance of safeguarding workers' rights in the collaborative services — first and foremost the right of workers to organise, the right of collective bargaining and action, in line with national law and practice; recalls that all workers in the collaborative economy are either employed or self-employed based on the primacy of facts and must be classified accordingly; calls on the Member States and the Commission, in their respective areas of competence, to ensure fair working conditions and adequate legal and social protection for all workers in the collaborative economy, regardless of their status;

40. Calls on the Commission to publish guidelines on how Union law applies to the various types of platform business models in order, where necessary, to fill regulatory gaps in the area of employment and social security; believes that the high transparency potential of the platform economy permits good traceability, in line with the aim of enforcing existing legislation; calls on the Member States to carry out sufficient labour inspections with regard to online platforms and to impose sanctions where rules have been breached, especially in terms of working and employment conditions and specific requirements regarding qualifications; calls on the Commission and the Member States to pay special attention to undeclared work and bogus self-employment in this sector, and to put the platform economy on the agenda of the European Platform Tackling Undeclared Work; calls on the Member States to provide sufficient resources for inspections;

41. Underlines the importance of ensuring the fundamental rights and adequate social security protection of the rising number of self-employed workers, who are key players in the collaborative economy, including the right of collective bargaining and action, also with regard to their compensation;

42. Encourages the Member States to recognise that the collaborative economy will also bring disruption, and therefore to prepare absorption measures for certain sectors and to support training and outplacement;

43. Underlines the importance of collaborative platform workers being able to benefit from the portability of ratings and reviews, which constitute their digital market value, and the importance of facilitating the transferability and accumulation of ratings and reviews across different platforms while respecting rules on data protection and the privacy of all parties involved; notes the possibility for unfair and arbitrary practices regarding online ratings, which may affect the working conditions and entitlements of collaborative platform workers and their ability to obtain jobs; believes that rating and review mechanisms should be developed in a transparent way and that workers should be informed and consulted at the appropriate levels, and in accordance with Member State law and practices, on the general criteria used to develop such mechanisms;

Thursday 15 June 2017

44. Stresses the importance of up-to-date skills in the changing employment world and of ensuring that all workers have adequate skills as required in the digital society and economy; encourages the Commission, the Member States and collaborative economy businesses to make lifelong training and digital skills development accessible; believes that public and private investments and funding opportunities for lifelong learning and training are needed, especially for micro and small enterprises;

45. Stresses the importance of teleworking and smartworking in connection with the collaborative economy, and advocates, in this regard, the need to place these ways of working on an equal footing with traditional ones;

46. Calls on the Commission to examine how far the Directive on Temporary Agency Work (2008/104/EC<sup>(1)</sup>) is applicable to specific online platforms; considers that many intermediating online platforms are structurally similar to temporary work agencies (triangular contractual relationship between: temporary agency worker/platform worker; temporary work agency/online platform; user undertaking/client);

47. Calls on the national public employment services and the EURES network to communicate better on the opportunities offered by the collaborative economy;

48. Calls on the Commission, the Member States and social partners to provide adequate information to platform workers on working and employment conditions and workers' rights, and on their working relationships with both platforms and users; considers that platforms should play a proactive role in providing information to users and workers regarding the applicable regulatory framework with a view to fulfilling legal requirements;

49. Draws attention to the lack of data relating to changes in the employment world brought about by the collaborative economy; calls on the Member States and the Commission, also in cooperation with social partners, to gather more reliable and comprehensive data in this respect and encourages the Member States to appoint an already existing national competent entity to monitor and evaluate emerging trends in the collaborative labour market; stresses the importance of information and best practice exchanges between Member States in this context; underlines the importance of monitoring the labour market and the working conditions in the collaborative economy in order to combat illegal practices;

#### ***Local dimension of the collaborative economy***

50. Observes that an increasing number of local authorities and governments are already active in regulating and developing the collaborative economy, focusing on collaborative practices both as the subject of their policies and as an organising principle of new forms of collaborative governance and participatory democracy;

51. Notes that there is ample room for manoeuvre for national, regional and local authorities to adopt context-specific measures in order to address clearly identified public interest objectives with proportionate measures fully in line with EU legislation; calls on the Commission therefore to support the Member States in their policy-making and in adopting rules consistent with EU law;

52. Notes that the first movers have been cities, where urban conditions such as population density and physical proximity favour the adoption of collaborative practices, extending the focus from smart cities to sharing cities and easing the transition to more citizen-friendly infrastructures; is also convinced that the collaborative economy can offer significant opportunities to inner peripheries, rural areas and disadvantaged territories, can bring new and inclusive forms of development, can have a positive socio-economic impact, and help marginalised communities with indirect benefits for the tourism sector;

#### ***Promotion of the collaborative economy***

53. Points out the importance of adequate competencies skills and training with a view to enabling as many individuals as possible to play an active role in the collaborative economy and to unleash its potential;

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<sup>(1)</sup> OJ L 327, 5.12.2008, p. 9.



Thursday 15 June 2017

54. Emphasises that ICTs allow innovative ideas within the collaborative economy to evolve quickly and efficiently, while connecting and empowering participants, whether users or service-providers, facilitating their access to the market and their engagement within it, making remote and rural areas more accessible;

55. Calls on the Commission to be proactive in encouraging public-private cooperation in particular with regard to the take-up of e-IDs, to increase consumer and service providers' trust in online transactions, building on the EU framework for mutual recognition of e-IDs, and to address other existing barriers to the growth of the collaborative economy, such as obstacles to providing cross-border insurance schemes;

56. Points to how the introduction of 5G will fundamentally transform the logic of our economies, making services more diverse and accessible; stresses, in this regard, the importance of creating a competitive market for innovative businesses, the success of which will ultimately define the strength of our economies;

57. Points out that the collaborative economy is increasingly important in the energy sector, allowing consumers, producers, individuals and communities to engage efficiently in several decentralised phases of the renewable energy cycle, including self-production and self-consumption, storage and distribution, in line with the climate and energy objectives of the Union;

58. Points out that the collaborative economy thrives, in particular, in those communities, in which knowledge- and education-sharing models are strong, thereby catalysing and consolidating a culture of open innovation; stresses the importance of coherent policies and the deployment of broadband and ultra-broadband as a precondition to develop the full potential of the collaborative economy and to reap the benefits offered by the collaborative model; recalls, therefore, the need to enable an adequate network access for all citizens in the EU, especially in less populated, remote or rural areas, where sufficient connectivity is not yet available;

59. Underlines that the collaborative economy needs support for its development and scaling-up and needs to remain open to research, innovations and new technologies in order to attract investments; calls on the Commission and Member States to ensure that EU legislation and policies are future proof, with particular regard to opening non-exclusive, experimentation-oriented spaces fostering digital connectivity and literacy, supporting European entrepreneurs and start-ups, incentivising Industry 4.0, innovation hubs, clusters, and incubators while at the same time developing cohabitation synergies with traditional business models;

60. Stresses the complex nature of the transport sector within and outside the collaborative economy; notes that this sector is subject to heavy regulation; notes the potential of collaborative economy models to significantly improve the efficiency and sustainable development of the transport system (including by means of seamless multimodal ticketing and travel in a single journey for transport users with collaborative economy apps), its safety and security, and make remote areas more accessible and reduce undesired externalities of traffic congestion;

61. Calls on the relevant authorities to promote the beneficial coexistence of collaborative transport services and conventional transport system; invites the Commission to integrate the collaborative economy into its work on new technologies in transport (connected vehicles, autonomous vehicles, integrated digital ticketing, and intelligent transport systems) because of their strong interactions and natural synergies;

62. Stresses the need for legal certainty for platforms and their users in order to ensure the development of the collaborative economy in the transport sector in the EU; notes that in the mobility sector, it is important to clearly differentiate between, on the one hand, (i) carpooling and sharing of costs in the context of an existing trip the driver planned for his own purpose, and on the other hand, (ii) regulated passenger transport services;

63. Recalls that, according to Commission estimates, peer-to-peer accommodation is the largest collaborative economy sector on the basis of generated commerce, while peer-to-peer transportation is the largest measured by platform revenue;



Thursday 15 June 2017

64. Highlights that in the tourism sector home-sharing represents an excellent use of resources and under-used space, especially in areas that do not traditionally benefit from tourism;
65. Condemns, in this regard, the regulations being imposed by some public authorities, which seek to restrict the supply of tourist accommodation via the collaborative economy;
66. Draws attention to the difficulties faced by European collaborative platforms in gaining access to risk capital as well as in their scaling-up strategies, accentuated by the small size and fragmentation of domestic markets and by a critical shortage of cross-border investments; calls on the Commission and the Member States to make full use of existing financing instruments to invest in collaborative businesses and to promote initiatives to ease access to financing, especially for start-ups, small and medium-sized enterprises and businesses;
67. Emphasises that collaborative financing systems, such as crowd-funding, is an important complement to traditional funding channels as part of an effective financing ecosystem;
68. Notes that services provided by SMEs in the collaborative economy sector are not always sufficiently tailored to the needs of persons with disabilities and the elderly; calls for tools and programmes aimed at supporting these operators to take into account the needs of persons with disabilities;
69. Calls on the Commission to facilitate and promote access to appropriate funding lines for European entrepreneurs who operate in the collaborative economy sector, and also in the framework of the EU Research and Innovation Programme –Horizon 2020;
70. Notes the rapid development and the increasing diffusion of innovative technologies and digital tools, such as the blockchains and distributed ledger technologies, in the financial sector too; underlines that the use of these decentralised technologies might enable effective peer-to-peer transactions and connections in the collaborative economy, leading to the creation of independent markets or networks and replacing, in the future, the role of intermediaries filled today by the collaborative platforms;

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71. Instructs its President to forward this resolution to the Council and the Commission.
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Thursday 15 June 2017

P8\_TA(2017)0272

**Online platforms and the Digital Single Market****European Parliament resolution of 15 June 2017 on online platforms and the digital single market (2016/2276(INI))**

(2018/C 331/19)

*The European Parliament,*

- having regard to the Commission communication of 25 May 2016 on ‘Online Platforms and the Digital Single Market — Opportunities and Challenges for Europe’ (COM(2016)0288) and the accompanying Commission staff working document (SWD(2016)0172),
- having regard to the Commission communication of 2 June 2016 on ‘A European agenda for the collaborative economy’ (COM(2016)0356) and the accompanying Commission staff working document (SWD(2016)0184),
- having regard to the Commission communication of 19 April 2016 on ‘EU eGovernment Action Plan 2016-2020 — Accelerating the digital transformation of government’ (COM(2016)0179) and the accompanying Commission staff working documents (SWD(2016)0108 and SWD(2016)0109),
- having regard to the Commission communication of 19 April 2016 on ‘Digitising European Industry — Reaping the full benefits of a Digital Single Market’ (COM(2016)0180) and the accompanying Commission staff working document (SWD(2016)0110),
- having regard to the Commission communication of 6 May 2015 on ‘A Digital Single Market Strategy for Europe’ (COM(2015)0192) and the accompanying Commission staff working document (SWD(2015)0100),
- having regard to the Commission communication of 19 April 2016 on ‘European Cloud Initiative — Building a competitive data and knowledge economy in Europe’ (COM(2016)0178) and the accompanying Commission staff working document (SWD(2016)0106),
- having regard to the Commission communication of 10 January 2017 on ‘Building a European Data Economy’ (COM(2017)0009) and the accompanying Commission staff working document (SWD(2017)0002),
- having regard to its resolution of 16 February 2017 on the European Cloud Initiative <sup>(1)</sup>,
- having regard to its resolution of 19 January 2016 on Towards a Digital Single Market Act <sup>(2)</sup>,
- having regard to its resolution of 19 January 2017 on a European Pillar of Social Rights <sup>(3)</sup>,
- having regard to Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union <sup>(4)</sup>,
- having regard to the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 531/2012 as regards rules for wholesale roaming markets (COM(2016)0399),

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<sup>(1)</sup> Texts adopted, P8\_TA(2017)0052.

<sup>(2)</sup> Texts adopted, P8\_TA(2016)0009.

<sup>(3)</sup> Texts adopted, P8\_TA(2017)0010.

<sup>(4)</sup> OJ L 310, 26.11.2015, p. 1.

Thursday 15 June 2017

- having regard to the proposal for a directive of the European Parliament and of the Council establishing the European Electronic Communications Code (COM(2016)0590),
  - having regard to the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market (COM(2016)0593),
  - having regard to 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) <sup>(1)</sup> ('e-Commerce Directive'),
  - having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) <sup>(2)</sup>,
  - having regard to Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union <sup>(3)</sup> (Network and Information Security Directive),
  - having regard to the proposal for a directive of the European Parliament and of the Council amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changing market realities (COM(2016)0287) (AVMS Directive),
  - having regard to the proposal for a regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (COM(2016)0283),
  - having regard to the proposal for a directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (COM(2015)0634),
  - having regard to the Commission staff working document of 25 May 2016 on 'Guidance on the implementation/application of Directive 2005/29/EC on unfair commercial practices (SWD(2016)0163),
  - having regard to the 'ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights' published by the Commission in June 2013,
  - having regard to the Commission staff working document of 15 September 2016 entitled 'Preliminary Report on the E-commerce Sector Inquiry' (SWD(2016)0312),
  - having regard to the opinion of the European Economic and Social Committee on the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'Online Platforms and the Digital Single Market — Opportunities and Challenges for Europe' <sup>(4)</sup>,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection under Rule 55 of the Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Legal Affairs (A8-0204/2017),
- A. whereas the *raison d'être* of the digital single market is to avoid fragmentation between national legislations and to abolish technical, legal and tax barriers so as to allow businesses, citizens and consumers to fully benefit from digital tools and services;

<sup>(1)</sup> OJ L 178, 17.7.2000, p. 1.

<sup>(2)</sup> OJ L 119, 4.5.2016, p. 1.

<sup>(3)</sup> OJ L 194, 19.7.2016, p. 1.

<sup>(4)</sup> OJ C 75, 10.3.2017, p. 119.

Thursday 15 June 2017

- B. whereas digitisation and new technologies continue to change forms of communication, access to information and the behaviour of citizens, consumers and companies, and whereas the fourth industrial revolution will lead to digitisation of all facets of the economy and society;
- C. whereas the evolving use of the internet and mobile devices offers new business opportunities for businesses of all sizes and generates new and alternative business models taking advantage of new technologies and access to the global market, but also creates new challenges;
- D. whereas the evolving development and use of internet platforms for a wide set of activities, including commercial activities and sharing goods and services, have changed the ways in which users and companies interact with content providers, traders and other individuals offering goods and services;
- E. whereas the e-Commerce Directive exempts intermediaries from liability for content only if they have neither knowledge nor control in relation to the information transmitted and/or hosted, but where intermediaries have actual knowledge of infringement or illegal activity or information it requires expeditious action to remove or disable access to illegal information or activity upon obtaining such knowledge;
- F. whereas numerous online platforms and information society services offer easier access to goods, services and digital content, and have extended their activities in relation to consumers and other actors;
- G. whereas the Commission is carrying out a number of assessments of consumer protection rules and B2B practices engaged in by online platforms towards their business users;
- H. whereas creativity and innovation are the drivers of the digital economy, and whereas it is therefore essential to ensure a high level of protection of intellectual property rights;

### **General introduction**

1. Welcomes the communication on 'Online Platforms and the Digital Single Market — Opportunities and Challenges for Europe';
2. Welcomes the different initiatives already proposed under the Digital Single Market Strategy for Europe; stresses the importance of coordination and consistency between these initiatives; considers that achieving a digital single market is essential for fostering the EU's competitiveness, creating high-quality jobs and highly skilled jobs, and promoting the growth of the digital economy in Europe;
3. Acknowledges that online platforms benefit today's digital economy and society by increasing the choices available to consumers and creating and shaping new markets; points out, however, that online platforms present new policy and regulatory challenges;
4. Recalls that many EU policies also apply to online platforms, but notes that in some cases the legislation is not enforced properly or is interpreted in a different manner in the Member States; stresses the importance of proper implementation and enforcement of EU legislation prior to considering whether there is a need to complement the current legal framework in order to remedy this situation;
5. Welcomes the ongoing work being done to update and complement the current legal framework so as to make it fit for purpose in the digital age; believes that an effective and attractive regulatory environment is vital for the development of online and digital business in Europe;

### **Definition of platforms**

6. Acknowledges that it would be very difficult to arrive at a single, legally relevant and future-proof definition of online platforms at EU level, owing to factors such as the great variety of types of existing online platforms and their areas of activity, as well as the fast-changing environment of the digital world; believes that in any case one single EU definition or 'one size fits all' approach would not help the EU succeed in the platform economy;

Thursday 15 June 2017

7. Is aware, at the same time, of the importance of avoiding the fragmentation of the EU internal market which could occur through a proliferation of regional or national rules and definitions, as well as of the need to provide certainty and a level playing field for both businesses and consumers;

8. Believes, therefore, that online platforms should be distinguished and defined in relevant sector-specific legislation at EU level according to their characteristics, classifications and principles and following a problem-driven approach;

9. Welcomes the Commission's ongoing work on online platforms, including consultations of stakeholders and carrying out an impact assessment; believes that this kind of evidence-based approach is essential for generating a comprehensive understanding in this field; calls on the Commission, to propose, if necessary, regulatory or other measures based on this in-depth analysis;

10. Notes that online B2C and C2C platforms operate within a highly diverse range of activities, such as e-commerce, the media, search engines, communications, payment systems, labour provision, operating systems, transport, advertising, distribution of cultural content, the collaborative economy and social networks; further notes that although certain common features permit identification of these entities, online platforms can take many forms, and many different approaches can be taken to identify one;

11. Notes that online B2C and C2C platforms are, to a greater or lesser extent, characterised by certain common features, such as but not limited to: operating in multi-sided markets; enabling parties belonging to two or more distinct user groups to enter into direct contact by electronic means; connecting different types of users; offering online services tailored to user preferences and based on data provided by users; classifying or referencing content, e.g. by using algorithms, goods or services proposed or put on-line by third parties; bringing together several parties with a view to the sale of a good, the provision of a service or the exchange or sharing of content, information, goods or services;

12. Points out the crucial importance of clarifying the methods by which decisions based on algorithms are taken and promoting transparency in the use of those algorithms; calls on the Commission and the Member States, therefore, to examine the potential for error and bias in the use of algorithms in order to prevent any kind of discrimination, unfair practice or breach of privacy;

13. Considers, however, that a clear difference should be made between B2C and B2B platforms, in light of the emerging B2B online platforms which are key to the development of the industrial internet, such as cloud-based services or data-sharing platforms enabling communication between internet of things (IoT) products; calls on the Commission to address the barriers in the single market that are hindering the growth of such platforms;

### ***Facilitating the sustainable growth of European online platforms***

14. Notes that online platforms use the internet as a means of interaction and act as facilitators between parties, thus providing benefits to users, consumers and businesses by facilitating access to the global market; notes that online platforms may contribute to the adjustment of the supply and demand of goods and services, on a basis of community sentiment, shared access, reputation and trust;

15. Notes that online platforms and applications, many of them conceived by European application developers, benefit from the enormous and ever-increasing numbers of connected mobile devices, PCs, laptops and other computing devices, and are increasingly available on those devices;

16. Points out that top priority needs to be given to ensuring sufficient investment for the deployment of high-speed broadband networks and other digital infrastructure in order to meet the connectivity targets of the gigabit society, since such deployment is crucial to enable citizens and businesses to reap the benefits of the development of 5G technology, and generally to ensure connectivity across the Member States;

Thursday 15 June 2017

17. Underlines that the increasingly widespread use of smart devices, including smartphones and tablets, has further extended and improved access to new services, including online platforms, thereby enhancing their role in the economy and society, particularly among young people but increasingly among all age groups; notes that digitisation will further increase with the fast-paced development of the IoT, which is expected to connect 25 billion objects by 2020;

18. Considers that access to online platforms through high-quality technology is important for all citizens and businesses, not just those who are already active online; stresses the importance of preventing the emergence of gaps that can potentially arise from lack of digital skills or unequal access to technology; stresses that a committed approach towards digital skills development is required at national and European level;

19. Draws attention to the rapidly developing online platform markets, which offer a new outlet for products and services; recognises the global and cross-border nature of such markets; points out that global online platform markets offer consumers a wide variety of choices and effective price competition; notes that the 'roam like at home' agreement supports the cross-border dimension of online platforms by making the use of online services more affordable;

20. Notes the growing role of online platforms in the sharing and provision of access to news and other information that is of value to citizens as well as for the functioning of democracy; believes that online platforms can also act as enablers of e-governance;

21. Urges the Commission to continue to promote the growth of European online platforms and start-ups and strengthen their ability to scale up and compete globally; calls on the Commission to maintain an innovation-friendly policy towards online platforms in order to facilitate market entry; regrets the EU's low share of market capitalisation in online platforms; stresses the importance of removing the obstacles that hamper the smooth operation of online platforms across borders and disrupt the functioning of the European digital single market; highlights the importance of non-discrimination and the need to facilitate switching between platforms offering compatible services;

22. Emphasises that crucial factors include an open environment, homogeneous rules, availability of sufficient connectivity, interoperability of existing applications and availability of open standards;

23. Recognises the significant benefits that online platforms can offer for SMEs and start-ups; notes that online platforms are often the easiest and most suitable first step for small businesses which want to go online and benefit from online distribution channels; notes that online platforms allow SMEs and start-ups to access global markets without having to excessively invest in building up costly digital infrastructure; underlines the importance of transparency and fair access to platforms, and recalls that the increasing dominance of some online platforms should not diminish entrepreneurial freedom;

24. Urges the Commission to prioritise actions that allow European start-ups and online platforms to emerge and scale up; stresses that facilitating funding and investment in start-ups, using all existing financing instruments, is vital to the development of online platforms originating in Europe, specifically through access to risk capital and different channels such as banking or public funds, or through alternative funding options such as crowdfunding and crowd-investment;

25. Notes that some online platforms enable the collaborative economy and contribute to its growth in Europe; welcomes the Commission communication on the collaborative economy, and emphasises that this should represent a first step towards a more comprehensive EU strategy in this area which supports the development of new business models; stresses that those new business models create jobs, foster entrepreneurship and offer new services, greater choice and better prices for citizens and consumers, as well as generating flexibility and new opportunities, but can also give rise to challenges and risks for workers;



Thursday 15 June 2017

26. Points out that Member States have improved in the field of labour and social standards and social protection systems over the past decades, and stresses that the development of the social dimension has to be secured also in the digital era; notes that increasing digitisation impacts on labour markets, on the redefining of jobs and on the contractual relations between workers and businesses; notes the importance of ensuring respect for labour and social rights and the adequate enforcement of existing legislation in order to further foster social security schemes and the quality of employment; also calls on the Member States, in collaboration with social partners and other relevant stakeholders, to assess the need for the modernisation of existing legislation, including social security systems, in order to stay abreast of technological development while ensuring the protection of workers, as well as guaranteeing decent working conditions and producing general benefits for society as a whole;

27. Calls on the Member States to ensure adequate social security for self-employed workers, who are key players in the digital labour market; also calls on the Member States to develop new protection mechanisms where necessary so as to ensure adequate coverage for online platform workers, as well as non-discrimination and gender equality, and to share best practices at European level;

28. Notes that online health platforms can support innovative activities by creating and transferring relevant knowledge from engaged healthcare consumers to an innovating healthcare environment; stresses that new innovation platforms will co-design and co-create the next generation of innovative healthcare products so that they precisely match current unmet needs;

#### ***Clarifying the liability of intermediaries***

29. Notes that the current EU intermediary limited liability regime is one of the issues raised by certain stakeholders in the ongoing debate on online platforms; notes that the consultation on the regulatory environment for platforms has shown relative support for the current framework contained in the e-Commerce Directive, but also the need to eliminate certain flaws in its enforcement; believes, therefore, that the liability regime should be further clarified, since it is a crucial pillar for the EU's digital economy; believes that guidance is needed from the Commission on the implementation of the intermediary liability framework in order to allow online platforms to comply with their responsibilities and the rules on liability, enhance legal certainty, and increase user confidence; calls on the Commission to develop further steps to that effect, recalling that platforms not playing a neutral role as defined in the e-commerce Directive cannot claim liability exemption;

30. Stresses that, despite the fact that more creative content is being consumed today than ever before on services such as user-uploaded content platforms and content aggregation services, the creative sectors have not seen a comparable increase in revenue from this increase in consumption; stresses that one of the main reasons for this is considered to be a transfer of value that has emerged thanks to the lack of clarity regarding the status of these online services under copyright and e-commerce law; stress that an unfair market has been created, threatening the development of the digital single market and its main players, namely the cultural and creative industries;

31. Welcomes the Commission's undertaking to publish guidance on intermediary liability since there is a certain lack of clarity as regards the current rules and their implementation in some Member States; believes that the guidance will reinforce user trust in online services; urges the Commission to submit its proposals; calls on the Commission to draw attention to the regulatory differences between the online and offline worlds and to create a level playing field for comparable services online and offline, where necessary and possible and taking account of the specificities of each domain, the evolution of society, the need for more transparency and legal certainty, and the need not to impede innovation;

32. Considers that digital platforms are means of providing wider access to cultural and creative works and offer great opportunities for the cultural and creative industries to develop new business models; highlights the need to consider how this process can function with greater legal certainty and respect for rightholders; underlines the importance of transparency and of ensuring a level playing field; considers in this regard that protection of rightholders within the copyright and intellectual property framework is necessary in order to ensure recognition of values and stimulation of innovation, creativity, investment and the production of content;

Thursday 15 June 2017

33. Urges online platforms to strengthen measures to tackle illegal and harmful content online; welcomes the ongoing work on the AVMS Directive and the Commission's intention to propose measures for video-sharing platforms in order to protect minors and for taking down content related to hate speech; notes the absence of references to content relating to incitement to terrorism; calls for special attention to avoid bullying and violence against vulnerable people;

34. Considers that the liability rules for online platforms should allow the tackling of issues related to illegal content and goods in an efficient manner, for instance by applying due diligence while maintaining a balanced and innovation-friendly approach; urges the Commission to define and further clarify the notice and takedown procedures and to provide guidance on voluntary measures aimed at addressing such content;

35. Stresses the importance of taking action against the dissemination of fake news; calls on the online platforms to provide users with tools to denounce fake news in such a way that other users can be informed that the veracity of the content has been contested; points out, at the same time, that the free exchange of opinions is fundamental to democracy and that the right to privacy also applies in the social media sphere; highlights the value of the free press with regard to providing citizens with reliable information;

36. Calls on the Commission to analyse in depth the current situation and legal framework with regard to fake news, and to verify the possibility of legislative intervention to limit the dissemination and spreading of fake content;

37. Stresses the need for online platforms to combat illegal goods and content and unfair practices (e.g. the reselling of entertainment tickets at extortionate prices), through regulatory measures complemented by effective self-regulatory measures (e.g. through clear terms of use and appropriate mechanisms to identify repeat offenders, or by setting up specialised content moderation teams and tracing dangerous products) or hybrid measures;

38. Welcomes the Code of Conduct on Countering Illegal Hate Speech for the industry, agreed in 2016 and supported by the Commission, and asks the Commission to develop adequate and reasonable means for online platforms to identify and remove illegal goods and content;

39. Believes that compliance with the General Data Protection Regulation (GDPR) and the Network and Information Security (NIS) Directive is essential as regards data ownership; notes that users often have incentives to share their personal data with online platforms; stresses the need to inform users of the exact nature of the data collected and the ways it will be used; underlines that it is imperative for users to have control over the collection and the use of their personal data; stresses that there should also be an option not to share personal data; notes that the 'right to be forgotten' rule also applies to online platforms; calls on online platforms to ensure that anonymity is secured when personal data is handled by third parties;

40. Invites the Commission to rapidly conclude its review of the need for formal notice and action procedures as a promising means of strengthening the liability regime in a harmonised way across the EU;

41. Encourages the Commission to submit as soon as possible its practical guidance on the market surveillance of products sold online;

### ***Creating a level playing field***

42. Urges the Commission to ensure a level playing field between online platform service providers and other services with which they compete, including B2B and C2C; stresses that regulatory certainty is essential to creating a thriving digital economy; notes that competitive pressure varies between different sectors and different actors within sectors; recalls therefore that 'one size fits all' solutions are rarely appropriate; considers that any tailor-made solutions or regulatory measures proposed have to take account of the specific characteristics of platforms in order to ensure fair competition on an equal footing;

Thursday 15 June 2017

43. Draws attention to the fact that the size of online platforms varies from multinationals to micro-enterprises; stresses the importance of fair and effective competition between online platforms in order to promote consumer choice and avoid the creation of monopolies or dominant positions that distort the markets through abuse of market power; stresses that facilitating switching between online platforms or online services is an essential measure for preventing market failures and avoiding lock-in situations;

44. Notes that online platforms are altering the highly regulated traditional business model; underlines that possible reforms of the existing regulatory framework should concentrate on the harmonisation of rules and reducing regulatory fragmentation, in order to secure an open and competitive market for online platforms while guaranteeing high standards of consumer protection; emphasises the need to avoid over-regulation and to continue the REFIT process and the implementation of the better regulation principle; stresses the importance of technology neutrality and of coherence between rules that apply online and offline in equivalent situations to the extent necessary and possible; stresses that regulatory certainty fosters competition, investment and innovation;

45. Underlines the importance of investment in infrastructure in both urban and rural areas; stresses that fair competition ensures investment in quality high-speed broadband services; stresses that affordable access to and full deployment of reliable high-speed infrastructure, such as ultrafast connections and telecommunications, fosters the supply and use of online platform services; stresses the need for net neutrality and fair and non-discriminatory access to online platforms as a prerequisite for innovation and a truly competitive market; urges the Commission to streamline the funding schemes for related initiatives facilitating the digitisation process, in order to use the European Fund for Strategic Investments (EFSI), the European Structural and Investment Funds (ESIF) and Horizon 2020 (H2020) and the contributions from Member States' national budgets; calls on the Commission to assess the potential of public-private partnerships (PPPs) and Joint Technology Initiatives (JTIs);

46. Calls on the Commission to consider establishing a harmonised approach to the right of rectification, the right to counterstatement and the right to forbearance for users of platforms;

47. Calls on the Commission to create a level playing field with regard to claims for damages against platforms arising from the circulation of disparaging facts which create persistent harm for the user;

### ***Informing and empowering citizens and consumers***

48. Underlines that the internet of the future cannot succeed without users' trust in online platforms, greater transparency, a level playing field, protection of personal data, better control of advertising and other automated systems, and online platforms that respect all applicable legislation and the legitimate interests of users;

49. Stresses the importance of transparency in relation to data collection and usage, and considers that online platforms must adequately respond to users' concerns by duly requesting their consent in accordance with the GDPR and by informing them more effectively and clearly about what personal data is collected and how it is shared and used in line with the EU data protection framework, while retaining the option of withdrawal of consent to individual provisions without forfeiting complete access to a service;

50. Calls on the Commission and the Member States to take the necessary measures to ensure full respect of citizens' rights to privacy and to protection of their personal data in the digital environment; emphasises the importance of correct implementation of the GDPR, ensuring the full application of the principle of 'privacy by design and by default';

51. Notes the importance of clarifying the issues of data access, data ownership and liability related to data, and calls on the Commission to further assess the current regulatory framework with regard to these issues;

Thursday 15 June 2017

52. Underlines that the cross-border nature of online platforms represents a huge advantage in developing the digital single market, but also requires better cooperation between national public authorities; asks existing consumer protection services and mechanisms to collaborate and provide efficient consumer protection in relation to online platforms' activities; further notes the importance of the Cross-border Enforcement and Cooperation Regulation in this regard; welcomes the Commission's intention to further assess any additional need to update existing consumer protection rules in relation to platforms, as part of the REFIT check of EU consumer and marketing law in 2017;

53. Encourages online platforms to offer customers clear, comprehensive and fair terms and conditions and ensure user-friendly ways of presenting their terms and conditions, processing of data, legal and commercial guarantees and possible costs, while avoiding complex terminology, in order to enhance consumer protection and bolster trust and understanding of consumer rights, since this is vital for online platforms to succeed;

54. Points out that high standards of consumer protection on online platforms are not only needed in B2B practices but also in C2C relationships;

55. Calls for an assessment of current legislation and self-regulation mechanisms in order to determine whether they provide adequate protection to users, consumers and businesses, against the backdrop of an increasing number of complaints and the investigations opened by the Commission into several platforms;

56. Stresses the importance of providing users with clear, impartial and transparent information on the criteria used to filter, rank, sponsor, personalise or review information presented to them; underlines the need for clear differentiation between sponsored content and any other content;

57. Calls on the Commission to address certain issues of platforms' review systems, such as fake reviews or deletion of negative reviews, with the aim of gaining competitive advantage; stresses the need to make reviews more reliable and useful for consumers and to ensure that platforms respect existing obligations and take measures in this respect against practices such as voluntary schemes; welcomes the guidance on the implementation of the Unfair Commercial Practices Directive;

58. Calls on the Commission to assess the need for criteria and thresholds setting the conditions under which online platforms may be made subject to further market surveillance, and to provide guidance for online platforms with a view to facilitating their compliance with existing obligations and guidelines in a timely manner, in particular in the realm of consumer protection and competition rules;

59. Stresses that the rights of authors and creators must be protected also in the digital era, and recalls the importance of creative industry for employment and the economy in the EU; calls on the Commission to assess the current Intellectual Property Rights Enforcement Directive (IPRED) <sup>(1)</sup>, in order to prevent the intentional misuse of reporting processes and ensure that all actors in the value chain, including intermediaries such as internet service providers, can fight more effectively against counterfeiting, by taking active, proportionate and effective measures to ensure traceability and prevent the promotion and distribution of counterfeit goods, given that counterfeiting represents a risk for consumers;

60. Emphasises the need to restore a balance in the sharing of value for intellectual property, in particular on platforms distributing protected audiovisual content;

61. Calls for closer cooperation between platforms and rightholders in order to ensure proper clearance of rights and fight the infringement of IPRs online; recalls that such infringements can constitute a real issue, not only for companies but also for the health and safety of consumers, who must be made aware of the reality of the illicit trade in fake products; reiterates, therefore, its call for the application of the 'follow the money' approach with relevant payment services, in order

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<sup>(1)</sup> Directive 2004/48/EC (OJ L 157, 30.4.2004, p. 45).

Thursday 15 June 2017

to deprive counterfeiters of means of pursuing their economic activity; underlines that a revision of IPRED could be an appropriate means of ensuring a high level of cooperation between platforms, users and all other economic actors, together with the correct application of the e-commerce Directive;

62. Calls on the Commission to further promote the platform that has been launched for settling disputes involving purchases made online among consumers, to improve its user-friendliness, and to monitor compliance by traders with their obligation to place a link to that platform on their website, in order to further address the increasing number of complaints against several online platforms;

### ***Increasing online trust and fostering innovation***

63. Underlines that the effective enforcement of data protection and consumer rights in online markets in line with the provisions of the GDPR and the NIS Directive are priority actions, for both public policy and businesses, when it comes to increasing trust; stresses that consumer and data protection require a variety of measures and technical means in the fields of online privacy, internet security and cybersecurity; underlines the importance of transparency in relation to data collection and the security of payments;

64. Notes that online payments offer a high level of transparency that helps to protect the rights of consumers and entrepreneurs and minimise fraud risks; welcomes also the new innovative alternative payment methods, such as virtual currencies and e-wallets; notes that transparency facilitates comparison of prices and transaction costs and increases the traceability of economic transactions;

65. Stresses that a fair, predictable and innovation-friendly environment, as well as investment in research and development and upskilling of the workforce, are vital for generating new ideas and innovations; underlines the importance of open data and open standards for the development of new online platforms and innovation; recalls that the review of the implementation of the Re-Use of Public Service Information Directive <sup>(1)</sup> is due in 2018; notes that open, advanced and shared test beds and open application programming interfaces can be an asset for Europe;

66. Highlights the importance of a committed approach, from the Commission and in particular from the Member States, towards digital skills development, in order to form a highly skilled workforce, since this is a condition for ensuring a high level of employment under fair conditions throughout the EU while terminating the digital illiteracy which foments the digital divide and digital exclusion; underlines, therefore, that the development and improvement of digital skills is imperative and requires major investments in education and lifelong learning;

67. Considers that platforms on which a significant volume of protected works are stored and made available to the public should conclude licence agreements with relevant rightholders, unless they are not active and are thus covered by the exemption foreseen in Article 14 of the e-commerce Directive, with a view to fair profit-sharing with authors, creators and relevant rightholders; underlines that such license agreements and their implementation must respect users' exercise of their fundamental rights;

### ***Respecting B2B relations and EU competition law***

68. Welcomes the actions of the Commission to better enforce competition law in the digital world, and stresses the need to take timely decisions in competition cases in light of the fast-moving pace of the digital sector; notes, however, that in some regards EU competition law has to be adjusted to the digital world in order to be fit for purpose;

69. Is concerned about problematic unfair B2B trading practices by some online platforms, such as lack of transparency (e.g. in search results, data usage or pricing), unilateral changes in terms and conditions, promotion of advertising or sponsored results while diminishing the visibility of non-paid results, possible unfair terms and conditions, e.g. in payment

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<sup>(1)</sup> Directive 2003/98/EC (OJ L 345, 31.12.2003, p. 90).

Thursday 15 June 2017

solutions, and possible abuses of the dual role of platforms as intermediaries and competitors; notes that this dual role may create economic incentives for online platforms to discriminate in favour of their own products and services and impose discriminating B2B terms; calls on the Commission to take appropriate measures in this regard;

70. Calls on the Commission to propose a pro-growth, pro-consumer, targeted legislative framework for B2B relations based on the principles of preventing abuse of market power and ensuring that platforms that serve as a gateway to a downstream market do not become gatekeepers; considers that such a framework should serve to avoid detrimental effects on consumer welfare and promote competition and innovation; further recommends that this framework be technology-neutral and capable of addressing existing risks, for example in relation to the market for mobile operating system but also to future risks with new internet-driven technologies such as IoT or artificial intelligence, which will further consolidate the position of platforms set even more squarely between online businesses and consumers;

71. Welcomes the targeted fact-finding exercise on B2B practices to be conducted by Commission by spring 2017, and urges that effective steps be taken to ensure fair competition;

72. Underlines that EU competition law and authorities need to guarantee a level playing field where appropriate, including in respect of consumer protection and tax issues;

73. Notes the recent revelations involving, among other elements, big digital companies and their tax planning practices in the EU; welcomes in this connection the efforts made by the Commission to fight tax avoidance, and calls on the Member States and the Commission to propose further reforms to prevent tax avoidance practices in the EU; calls for action to ensure that all companies, including digital companies, pay their taxes in the Member States where their economic activities take place;

74. Points out the differences in the legal landscape in the 28 Member States and the specificities of the digital sector, in which the physical presence of a company in the country of the market is often not needed; calls on the Member States to adjust their VAT systems in line with the country of destination principle<sup>(1)</sup>;

#### ***The EU's place in the world***

75. Points out that the EU's presence in the world market is regrettably low, in particular owing to the current fragmentation of the digital market, legal uncertainty and the lack of financing and capacity to market technological innovations, which make it difficult for European companies to become world leaders and to compete with players in the rest of the world in this new, globally competitive economy; encourages development of an environment for start-ups and scale-ups that fosters development and local job creation;

76. Calls for the European institutions to ensure a level playing field between EU and non-EU operators, for instance in respect of taxation and similar matters;

77. Believes that the EU has the potential to become a major player in the digital world, and considers that it should pave the way for an innovation-friendly climate in Europe by ensuring a watertight legal framework that protects all stakeholders;

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

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<sup>(1)</sup> See Parliament's resolution of 24 November 2016 on 'Towards a definitive VAT system and fighting VAT fraud' (Texts adopted, P8\_TA(2016)0453).



Thursday 15 June 2017

P8\_TA(2017)0273

## Humanitarian situation in Yemen

**European Parliament resolution of 15 June 2017 on the humanitarian situation in Yemen (2017/2727(RSP))**

(2018/C 331/20)

*The European Parliament,*

- having regard to its previous resolutions on Yemen, in particular those of 25 February 2016 <sup>(1)</sup> on the humanitarian situation in Yemen and of 9 July 2015 <sup>(2)</sup> on the situation in Yemen,
  - having regard to the Council conclusions of 3 April 2017 on Yemen,
  - having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 8 October 2016 on the attack in Yemen and of 19 October 2016 on the ceasefire in Yemen,
  - having regard to the UN Security Council resolutions on Yemen, in particular Resolutions 2216 (2015), 2201 (2015) and 2140 (2014),
  - having regard to the High-Level Pledging Event for the Humanitarian Crisis in Yemen held on 25 April 2017 in Geneva,
  - having regard to the call made by the United Nations Special Rapporteur on human rights and international sanctions, Idriss Jazairy, on 12 April 2017 for the lifting of the naval blockade on Yemen,
  - having regard to the statements by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, of 10 October 2016 on the outrageous attack on a funeral in Yemen, of 10 February 2017 on civilians in Yemen caught between warring parties, and of 24 March 2017 on over 100 civilians killed in a month, including fishermen and refugees, as the Yemen conflict reaches its two-year mark,
  - having regard to the statements by the UN Special Envoy for Yemen, Ismail Ould Cheikh Ahmed, of 21 October and 19 November 2016 and of 30 January 2017,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the humanitarian situation in Yemen is catastrophic; whereas in February 2017 the United Nations Food and Agriculture Organisation (FAO) declared the situation in Yemen the 'largest food security emergency in the world'; whereas, as of May 2017, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) stated that 17 million people in Yemen required food assistance, with 7 million of that number facing a 'food security emergency'; whereas there are 2,2 million children suffering severe acute malnourishment, with one child dying every ten minutes of preventable causes; whereas there are 2 million internally displaced persons and 1 million returnees;
- B. whereas the consequences of the ongoing conflict are devastating for the country and its population; whereas, in spite of the international calls for a political solution to the crisis, the parties to the conflict have failed to reach a settlement and the fighting continues; whereas neither side has achieved a military victory and is unlikely to do so in the future;

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<sup>(1)</sup> Texts adopted, P8\_TA(2016)0066.

<sup>(2)</sup> Texts adopted, P8\_TA(2015)0270.

Thursday 15 June 2017

- C. whereas since March 2015 some 10 000 people have been killed and more than 40 000 injured by the violence according to the UN; whereas the fighting, both on the ground and in the air, has made it impossible for UN Human Rights Office (OHCHR) field monitors to access the area to verify the number of civilian casualties, meaning that these figures only reflect the deaths and injuries that the OHCHR has managed to corroborate and confirm; whereas Yemen's civilian infrastructure and institutions have been heavily affected by the war and are increasingly unable to deliver basic services; whereas the health system is on the verge of collapse and key frontline medical workers have not been paid in months;
- D. whereas Yemen is experiencing a second outbreak of cholera and acute watery diarrhoea (AWD), which has led to over 100 000 suspected cholera cases and has killed almost 800 people between 27 April and 8 June 2017 across the country;
- E. whereas vulnerable groups, women and children are particularly affected by the ongoing hostilities and the humanitarian crisis, and whereas the safety and well-being of women and girls is of particular concern; whereas children in particular are vulnerable to the rise in violence in Yemen, with 1 540 children killed and 2 450 injured as documented by the UN;
- F. whereas, due to violence, more than 350 000 children were unable to resume their education in the past school year, bringing the total number of out-of-school children in Yemen to over 2 million, according to UNICEF; whereas out-of-school children are at risk of being recruited to fight;
- G. whereas imports account for almost 90 % of the country's staple foods; whereas the UN Special Rapporteur on human rights and international sanctions has stressed that the aerial and naval blockade imposed on Yemen by the coalition forces since March 2015 was one of the main causes of the humanitarian catastrophe, while violence within the country and widespread fuel shortages have disrupted internal food distribution networks;
- H. whereas a stable, secure Yemen with a properly functioning government is critical to international efforts to combat extremism and violence in the region and beyond, as well as to peace and stability within Yemen itself;
- I. whereas the situation in Yemen carries grave risks for the stability of the region, in particular that of the Horn of Africa, the Red Sea and the wider Middle East; whereas Al-Qaeda in the Arabian Peninsula (AQAP) has been able to benefit from the deterioration of the political and security situation in Yemen, expanding its presence and increasing the number and scale of its terrorist attacks; whereas AQAP and the so-called Islamic State ISIS/Daesh has established its presence in Yemen and has carried out terrorist attacks, killing hundreds of people;
- J. whereas, in its resolution of 25 February 2016, Parliament called for an initiative aimed at imposing an EU arms embargo against Saudi Arabia, in line with Council Common Position 2008/944/CFSP of 8 December 2008;
- K. whereas Houthi and allied forces have both been accused of committing serious laws-of-war violations by laying banned anti-personnel landmines, mistreating detainees and launching indiscriminate rockets into populated areas in Yemen and southern Saudi Arabia;
- L. whereas the total amount of EU humanitarian funding to Yemen for 2015 and 2016 came to EUR 120 million; whereas the allocated amount of aid in 2017 is EUR 46 million; whereas despite the High-Level Pledging Event for the Humanitarian Crisis in Yemen held in Geneva in April 2017 — during which various countries and organisations made pledges amounting to USD 1,1 billion — as of 9 May 2017 donors had delivered funds amounting to only 28 % of the UN's USD 2,1 billion humanitarian appeal for Yemen for 2017; whereas an additional EUR 70 million is expected to be mobilised in development aid in 2017;

Thursday 15 June 2017

1. Expresses grave concern at the alarming deterioration in the humanitarian situation in Yemen, which is characterised by widespread food insecurity and severe malnutrition, indiscriminate attacks against civilians and medical and aid workers, the destruction of civilian and medical infrastructure, the continuation of airstrikes, ground-level fighting and shelling, despite repeated calls for a renewed cessation of hostilities;
2. Deeply regrets the loss of life caused by the conflict and the suffering of those caught up in the fighting, and expresses its condolences to the families of the victims; reaffirms its commitment to continuing to support Yemen and the Yemeni people; urges all parties to seek an immediate ceasefire and to return to the negotiating table; reiterates its support for the territorial integrity, sovereignty and independence of Yemen;
3. Expresses grave concern that the continuing airstrikes and ground-level fighting have led to thousands of civilian deaths, displacement and a loss of livelihoods putting more lives at risk, have further destabilised Yemen, are destroying the country's physical infrastructure, have created instability which has been exploited by terrorist and extremist organisations such as ISIS/Daesh and AQAP, and have exacerbated an already critical humanitarian situation;
4. Condemns all terror attacks and violence against civilians in the strongest terms, including bombardments, the use of cluster munitions, rocket, shelling, sniper fire and missile attacks and the reported use of anti-personnel mines as well as attacks causing the destruction of civilian infrastructure, including schools, medical facilities, residential areas, markets, water systems, ports and airports;
5. Urges the Government of Yemen to assume its responsibilities in the fight against ISIS/Daesh and AQAP, which are taking advantage of the current instability; recalls that all acts of terrorism are criminal and unjustifiable, regardless of their motivation, and regardless of when, where and by whom they are committed; emphasises the need for all parties to the conflict to take resolute action against such groups, whose activities represent a grave threat to a negotiated settlement and the security of the region and beyond;
6. Reiterates its call on all sides and their regional and international backers to comply with international humanitarian law and international human rights law, to ensure the protection of civilians and to refrain from directly targeting civilian infrastructure, in particular medical facilities and water systems; recalls that the deliberate targeting of civilians and civilian infrastructure, including hospitals and medical personnel, amounts to a grave violation of international humanitarian law; urges the international community to make provisions for the international criminal prosecution of those responsible for violations of international law committed in Yemen; supports, in this regard, the call by the UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein, for the establishment of an independent international body to carry out a comprehensive investigation into the crimes committed in the conflict in Yemen; stresses that ensuring accountability for violations is indispensable to achieving a lasting settlement of the conflict;
7. Recalls that there can be no military solution to the conflict in Yemen and that the crisis can only be solved through an inclusive, Yemeni-led negotiation process, involving all the parties concerned, with the full and meaningful participation of women, leading to an inclusive political solution; restates its support for the efforts of the UN Secretary-General, the UN Special Envoy for Yemen and the European External Action Service to facilitate a resumption of negotiations, and urges all parties to the conflict to react in a constructive manner and without attaching preconditions to these efforts; emphasises that the implementation of confidence-building measures such as immediate steps towards a sustainable ceasefire, a mechanism for a UN-monitored withdrawal of forces, facilitation of humanitarian and commercial access and the release of political prisoners is essential to facilitating a return to the political track;
8. Urges Saudi Arabia and Iran to work to improve bilateral relations, and to seek to work together to end the fighting in Yemen;
9. Supports the EU's call on all parties to the conflict to take all necessary steps to prevent and respond to all forms of violence, including sexual and gender-based violence, in situations of armed conflict; strongly condemns the violations of the rights of the child and is concerned at children's limited access to even basic healthcare and education; condemns the recruitment and use of child soldiers in hostilities; calls for the EU and the international community to support the rehabilitation and reintegration of demobilised children into the community;

Thursday 15 June 2017

10. Calls on all parties to the conflict to work to remove all logistical and financial obstacles affecting the import and distribution of food and medical supplies to civilians in need; urges, in particular, the parties to ensure the full and effective functioning of major commercial entry points, such as the ports of Hodeida and Aden; stresses their importance as a lifeline for humanitarian support and essential supplies; calls for a reopening of Sana'a airport for commercial flights so that urgently needed medicine and commodities can be flown in and Yemenis in need of medical treatment can be flown out;
  11. Calls on the Council to effectively promote compliance with international humanitarian law, as provided for in the relevant EU guidelines; reiterates, in particular, the need for the strict application by all EU Member States of the rules laid down in Council Common Position 2008/944/CFSP on arms exports; recalls, in this regard, its resolution of 25 February 2016;
  12. Stresses the importance of empowering local authorities and building their capacity in service delivery, as well as engaging the Yemeni diaspora and international NGOs in supporting critical service sectors; underlines, in particular, the urgent need for the EU and other international actors to address the cholera outbreak and support the health system in order to prevent its collapse, including facilitating supplies and salary payments for frontline medical workers who are critical to the humanitarian response;
  13. Welcomes the fact that the EU and its Member States are ready to step up humanitarian assistance to the population across the country to respond to the rising needs and to mobilise their development assistance to fund projects in crucial sectors; welcomes the commitments made at the High-Level Pledging Event for the Humanitarian Crisis in Yemen and stresses the need for coordinated humanitarian action under UN leadership to ease the suffering of the people of Yemen; further urges all countries to fulfil the commitments made at the pledging event in order to contribute to addressing humanitarian needs;
  14. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to urgently propose an integrated EU strategy for Yemen and to make a renewed push for a Yemeni peace initiative under the auspices of the UN; calls in this regard for the appointment of an EU special representative for Yemen;
  15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations, the Secretary-General of the Gulf Cooperation Council, the Secretary-General of the League of Arab States, and the Government of Yemen.
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Thursday 15 June 2017

P8\_TA(2017)0274

## **Statute and funding of European political parties and foundations**

### **European Parliament resolution of 15 June 2017 on the funding of political parties and political foundations at European level (2017/2733(RSP))**

(2018/C 331/21)

*The European Parliament,*

- having regard to Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations <sup>(1)</sup>,
- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas transnational political parties and foundations help to form a wider European political awareness and express the will of the citizens of the Union;
- B. whereas the funding of European political parties and foundations should support political activities in line with the principles of the Union and be transparent and not open to abuse;
- C. whereas Article 6 of Regulation (EU, Euratom) No 1141/2014 establishes an Authority for European political parties and European political foundations, to be set up by 1 September 2016 with the function of deciding whether the registration and de-registration of European political parties and political foundations are in compliance with the procedures and conditions laid down in the regulation;
- 1. Regrets the numerous shortcomings of Regulation (EU, Euratom) No 1141/2014, especially in respect of the level of co-financing (own resources), and of the possibility of multi-party membership of Members of the European Parliament;
- 2. Encourages the Commission to take a closer look at all the shortcomings and to propose a revision of the regulation as soon as possible;
- 3. Instructs its President to forward this resolution to the Council and the Commission.

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<sup>(1)</sup> OJ L 317, 4.11.2014, p. 1.

Wednesday 14 June 2017

## II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
AND AGENCIES

## EUROPEAN PARLIAMENT

P8\_TA(2017)0257

**Request for waiver of the immunity of Rolandas Paksas****European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Rolandas Paksas (2016/2070(IMM))**

(2018/C 331/22)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Rolandas Paksas, forwarded on 31 March 2016 by the Prosecutor General of the Republic of Lithuania and announced in plenary on 13 April 2016,
- having heard Rolandas Paksas in accordance with Rule 9(6) of its Rules of Procedure,
- having held an exchange of views with the Prosecutor General of Lithuania and the Chief Prosecutor at the Organised Crime and Corruption Investigation Department of the Prosecutor General's Office,
- having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, and Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
- having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 <sup>(1)</sup>,
- having regard to Article 62 of the Constitution of Lithuania,
- having regard to Article 4 of the Law on the status and working conditions of the Members of the European Parliament elected in the Republic of Lithuania,
- having regard to Article 22 of the Statute of the Seimas,

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



Wednesday 14 June 2017

- 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 (A8-0219/2017),
  - A. whereas the Prosecutor General of the Republic of Lithuania has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Rolandas Paksas, in connection with criminal investigations;
  - B. whereas the request by the Prosecutor General relates to suspicions against Rolandas Paksas of having agreed to accept a bribe on 31 August 2015 in exchange for influencing public authorities and state officials to exercise their powers, which would constitute an offence under the Lithuanian Criminal Code;
  - C. whereas pursuant to Article 9 of Protocol No 7, during the sessions of the European Parliament, its Members shall enjoy, in the territory of their own state, the immunities accorded to members of their parliament;
  - D. whereas pursuant to Article 62 of the Constitution of the Republic of Lithuania, the Members of the Seimas may not be held criminally liable or be detained, or have their liberty restricted otherwise, without the consent of the Seimas;
  - E. whereas pursuant to Article 4 of the Law on the status and working conditions of the Members of the European Parliament elected in the Republic of Lithuania, Members of the European Parliament shall enjoy the same personal immunity in the territory of the Republic of Lithuania as a Member of the Seimas of the Republic of Lithuania, unless otherwise provided for in the EU legislation;
  - F. whereas pursuant to Article 22 of the Statute of the Seimas, criminal proceedings may not be instituted against a Member of the Seimas, and that Member may not be arrested, and may not be subjected to any other restrictions of personal freedom without the consent of the Seimas, except in cases when that Member is caught in the act of committing a crime (*in flagranti*), in which case the Prosecutor General must immediately notify the Seimas thereof;
  - G. whereas in accordance with Rule 5(2), parliamentary immunity is not a Member's personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;
  - H. whereas the purpose of parliamentary immunity is to protect Parliament and its Members from legal proceedings in relation to activities carried out in the performance of parliamentary duties and which cannot be separated from those duties;
  - I. whereas where such proceedings do not concern the performance of a Member's duties, immunity should be waived unless it appears that the intention underlying the legal proceedings may be to damage a Member's political activity and thus Parliament's independence (*fumus persecutionis*);
  - J. whereas based on the extensive and detailed information provided in this case there is no reason to suspect that the proceedings relating to Rolandas Paksas are motivated by an intent to damage his political activity as a Member of the European Parliament;
  - K. 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 the Member warrant the opening of criminal proceedings, nor to pronounce itself on the relative merits of national legal and judicial systems;
  - 1. Decides to waive the immunity of Rolandas Paksas;
  - 2. Instructs its President to forward this decision and the report of its committee responsible immediately to the competent authority of the Republic of Lithuania and to Rolandas Paksas.
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Wednesday 14 June 2017

P8\_TA(2017)0258

**Request for the waiver of the immunity of Mylène Troszczynski****European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Mylène Troszczynski (2017/2019(IMM))**

(2018/C 331/23)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Mylène Troszczynski, forwarded on 1 December 2016 by the Minister of Justice of the French Republic in connection with a judicial investigation being conducted by the Bobigny Public Prosecutor on the grounds of public defamation and incitement to hatred or violence in respect of a person or group of persons on account of their origin or membership or non-membership of a particular ethnic group, nation, race or religion, and announced in plenary on 16 January 2017,
  - having heard Mylène Troszczynski 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 Article 6(2) of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 <sup>(1)</sup>,
  - having regard to Article 26 of the Constitution of the French Republic, as amended by Constitutional Law No 95-880 of 4 August 1995,
  - 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 (A8-0218/2017),
- A. whereas the Bobigny Public Prosecutor has requested that the immunity of Mylène Troszczynski, Member of the European Parliament and Member of the Picardy Regional Council, should be waived in connection with proceedings relating to the posting on her Twitter account on 23 September 2015 of a picture of women wearing the full veil who seem to be queuing outside the offices of a CAF (Caisse d'allocations familiales — Family Allowances Fund), accompanied by the comment 'Rosny-Sous-Bois CAF on 9.12.14. Wearing of the full veil is supposed to be prohibited by law...';
- B. whereas the offending image was in fact a photomontage based on a picture taken in London and already used by another Twitter account holder, and whereas the investigation revealed that it was not Ms Troszczynski who published the message online, but her assistant, who confessed to having done so;
- C. whereas the Public Prosecutor pointed out that as the editor of her own Twitter account, Ms Troszczynski could be held responsible for the tweet;
- D. whereas when Ms Troszczynski realised that the picture was forged, she promptly removed it from her Twitter account;

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

Wednesday 14 June 2017

- E. whereas the waiver of the immunity of Mylène Troszczynski relates to an alleged offence of public defamation in respect of a person or group of persons on account of their origin or membership or non-membership of a particular ethnic group, nation, race or religion as defined, and for which penalties are laid down by Articles 23, 29(1), 32(2) and (3), 42, 43 and 48-6 of the Law of 29 July 1881, and to the commission of the offence of incitement to discrimination, hatred or racial violence, the subjects of the investigation which is under way, as defined, and for which penalties are laid down by Articles 24(8), (10), (11) and (12), 23(1) and 42 of the Law of 29 July 1881 and by Article 131-26(2) and (3) of the Criminal Code;
  - F. whereas Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union states that Members shall enjoy, in the territory of their own State, the immunities accorded to members of the Parliament of that State;
  - G. whereas Article 26 of the French Constitution provides that no Member of Parliament shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the performance of his or her official duties and 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;
  - H. whereas the scope of immunity accorded to Members of the French Parliament corresponds in fact to the scope of immunity accorded to Members of the European Parliament under Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union; whereas the Court of Justice of the European Union has held that for a Member of the European Parliament to enjoy immunity an opinion must be expressed by the Member in the performance of his or her duties, thus entailing the requirement of a link between the opinion expressed and the parliamentary duties; whereas such link must be direct and obvious;
  - I. whereas the charges are unrelated to the position of Mylène Troszczynski as a Member of the European Parliament and concern instead activities of a regional nature, given that the forged picture and the comments referred to what was allegedly happening in Rosny-Sous-Bois, in violation of the French law;
  - J. whereas the alleged actions do not relate to opinions expressed or votes cast by Mylène Troszczynski in the performance of her duties as a Member of the European Parliament within the meaning of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
  - K. whereas there is no suspicion of *fumus persecutionis*, which is any evident attempt to obstruct the parliamentary work of Mylène Troszczynski, behind the judicial inquiry which was opened following a complaint alleging defamation of a public administration, lodged by the Seine-Saint-Denis Family Allowances Fund represented by its general manager;
1. Decides to waive the immunity of Mylène Troszczynski;
  2. Instructs its President to forward this decision and the report of its committee responsible immediately to the Minister of Justice of the French Republic and to Mylène Troszczynski.
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Wednesday 14 June 2017

P8\_TA(2017)0259

**Request for the waiver of the immunity of Jean-Marie Le Pen****European Parliament decision of 14 June 2017 on the request for waiver of the immunity of Jean-Marie Le Pen (2017/2020(IMM))**

(2018/C 331/24)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Jean-Marie Le Pen, forwarded on 22 December 2016 by the French Minister of Justice, Mr Jean-Jacques Urvoas, in connection with a request from the Prosecutor-General at the Paris Court of Appeal and announced in plenary on 16 January 2017,
  - having heard Jean-Marie 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 Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 <sup>(1)</sup>,
  - having regard to Article 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 (A8-0217/2017),
- A. whereas the Prosecutor-General at the Paris Court of Appeal has requested the waiver of the parliamentary immunity of a Member of the European Parliament, Jean-Marie Le Pen, in connection with criminal investigations;
- B. whereas the request by the Prosecutor-General relates to allegations that Jean-Marie Le Pen made a statement during a radio broadcast amounting to incitement to discrimination, hatred or racial violence, which is a criminal offence under the French Criminal Code;
- C. whereas, pursuant to Article 26 of the Constitution of the French Republic, ‘no Member of Parliament shall be subject to investigation, arrest, detention or conviction by a court of law for opinions expressed or votes cast by him while carrying out his duties’ and whereas no Member of Parliament may be ‘arrested or otherwise deprived of, or restricted in, his liberty on account of a crime or misdemeanour’ without the consent of Parliament;
- D. whereas Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union stipulates that Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;
- E. whereas, in accordance with Rule 5(2) of its Rules of Procedure, parliamentary immunity is not a Member’s personal privilege but a guarantee of the independence of Parliament as a whole and of its Members;

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

Wednesday 14 June 2017

- F. whereas the provisions concerning parliamentary immunity must be interpreted in the light of the values, aims and principles of the Treaties;
  - G. whereas, for Members of the European Parliament, this absolute immunity implies that opinions cannot be challenged, whether expressed during official Parliament meetings or elsewhere, for example in the media, when there is 'a link between the opinion expressed and parliamentary duties' <sup>(1)</sup>;
  - H. whereas there is no connection between the contested statement and the parliamentary work of Jean-Marie Le Pen, and whereas Jean-Marie Le Pen was therefore not acting in his capacity as a Member of the European Parliament;
  - I. whereas, pursuant to Article 9 of Protocol No 7, during the sessions of the European Parliament its Members shall enjoy, in the territory of their own State, the immunities accorded to members of their parliament;
  - J. whereas only the immunity covered under Article 9 may be waived <sup>(2)</sup>;
  - K. whereas the purpose of such immunity is to protect Parliament and its Members from legal proceedings relating to activities carried out in the performance of parliamentary duties which cannot be separated from those duties;
  - L. whereas where such proceedings do not concern the performance of a Member's duties, immunity should be waived unless it appears that the intention underlying the legal proceedings may be to damage a Member's political activity and thus Parliament's independence (*fumus persecutionis*);
  - M. whereas, on the basis of the information provided in this case, there is no reason to suspect that the proceedings relating to Jean-Marie Le Pen are motivated by an intent to damage his political activity as a Member of the European Parliament;
1. Decides to waive the immunity of Jean-Marie 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 Jean-Marie Le Pen.
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<sup>(1)</sup> Judgment in *Patriciello*, cited above, paragraph 33.

<sup>(2)</sup> Judgment in *Marra*, cited above, paragraph 45.

Thursday 15 June 2017

P8\_TA(2017)0266

**Request for waiver of the immunity of Marine Le Pen****European Parliament decision of 15 June 2017 on the request for waiver of the immunity of Marine Le Pen (2017/2021(IMM))**

(2018/C 331/25)

*The European Parliament,*

- having regard to the request for waiver of the immunity of Marine Le Pen, forwarded on 9 December 2016 by Pascal Guinot, the Prosecutor-General at the Court of Appeal of Aix-en-Provence, and announced in plenary on 19 January 2017,
  - having invited Ms Le Pen to be heard on 29 May and 12 June 2017, 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 Article 6(2) of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage,
  - having regard to the judgments of the Court of Justice of the European Union of 12 May 1964, 10 July 1986, 15 and 21 October 2008, 19 March 2010, 6 September 2011 and 17 January 2013 <sup>(1)</sup>,
  - having regard to the first paragraph of Article 23, the first paragraph of Article 29, Article 30 and the first paragraph of Article 31 of the Act of 29 July 1881 and Articles 93-2 and 93-3 of the Act of 29 July 1982,
  - 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 (A8-0223/2017),
- A. whereas the Prosecutor-General at the Court of Appeal of Aix-en-Provence has requested the waiver of immunity of a Member of the European Parliament, Marine Le Pen, in connection with a legal action concerning an alleged offence;
  - B. whereas, pursuant to Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties;
  - C. whereas, pursuant to Article 9 of Protocol No 7, during the sessions of the European Parliament, its Members shall enjoy, in the territory of their own state, the immunities accorded to members of their parliament;
  - D. whereas the second paragraph of Article 26 of the French Constitution provides that no Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any other custodial or semi-custodial measure, without the authorisation of the Bureau of the House of which he is a member, and that such authorisation shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or when a conviction has become final;
  - E. whereas Marine Le Pen is accused of public defamation of a publicly elected official, an offence provided for in French law, namely in the first paragraph of Article 23, the first paragraph of Article 29, Article 30 and the first paragraph of Article 31 of the Act of 29 July 1881 and Articles 93-2 and 93-3 of the Act of 29 July 1982;

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



Thursday 15 June 2017

- F. whereas on 28 July 2015 Christian Estrosi filed with the senior examining magistrate in Nice an application to join a civil action to legal proceedings against Marine Le Pen on the grounds of public defamation of a publicly elected official with a temporary mandate; whereas he asserts that on 3 May 2015, during the programme *Le Grand Rendez-vous*, which was broadcast simultaneously on iTÉLÉ and Europe 1, Marine Le Pen made the following remarks constituting allegations or imputations against him which were a slur on his honour or slight to his reputation:

‘Listen, what I know is this: Mr Estrosi has financed the UOIF (Union of Islamic Organisations in France); he has been found guilty by the administrative justice system of having accorded such a low rent for a UOIF mosque that even the administrative court rapped him over the knuckles, which is a reflection, in fact, of the way in which these mayors are illegally funding mosques, in violation of the 1905 law; when you are caught with your fingers in the clientelist, religious-community honeypot, of course you have to give out and say shocking things, but I attach little importance to words and more to actions...’; in response to a question from the interviewer, ‘So, Estrosi — an accomplice of jihadis?’, Ms Le Pen allegedly stated: ‘Help, providing resources, assistance; when you help Islamic fundamentalism to establish itself, to spread, to recruit, well, somewhere in all that, morally, yes, you are a little bit complicit’;

- G. whereas Marine Le Pen has been invited twice for a hearing, in accordance with Rule 9(6) of the Rules of Procedure; whereas, however, she has not taken the opportunity to submit her observations to the committee responsible;
- H. whereas the alleged action does not have a direct or obvious connection with Marine Le Pen’s performance of her duties as a Member of the European Parliament, nor do the words uttered by her constitute opinions expressed or votes cast in the performance of her duties as a Member of the European Parliament for the purposes of Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union;
- I. whereas, having regard to Article 8 of Protocol No 7 on the Privileges and Immunities of the European Union, the accusations are manifestly unrelated to the position of Marine Le Pen as a Member of the European Parliament and relate instead to activities of a solely national or regional nature, and whereas Article 8 is therefore not applicable;
- J. whereas only the immunity covered by Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union is capable of being waived;
- K. whereas, having regard to Article 9 of Protocol No 7 on the Privileges and Immunities of the European Union, there is no reason to suspect that the request for waiver was made in order to attempt to obstruct the parliamentary work of Marine Le Pen or with the intention of causing her political damage (*fumus persecutionis*);
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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Tuesday 13 June 2017

## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

P8\_TA(2017)0249

**Participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) \*\*\*I**

**European Parliament legislative resolution of 13 June 2017 on the proposal for a decision of the European Parliament and of the Council on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States (COM(2016)0662 — C8-0421/2016 — 2016/0325(COD))**

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

(2018/C 331/26)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0662),
  - having regard to Article 294(2) and Articles 185 and 188 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0421/2016),
  - 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 January 2017 <sup>(1)</sup>,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 26 April 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 Rule 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 the Environment, Public Health and Food Safety (A8-0112/2017),
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.

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<sup>(1)</sup> OJ C 125, 21.4.2017, p. 80.

Tuesday 13 June 2017

**P8\_TC1-COD(2016)0325**

**Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2017/1324.)*

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Tuesday 13 June 2017

## ANNEX TO THE LEGISLATIVE RESOLUTION

**Statement of the Commission on financial guarantees for the PRIMA Implementation Structure**

1. In relation to the PRIMA initiative, the EU Financial Regulation in its Article 58(1)(c)(vi) stipulates that the Commission may entrust implementation of the Union budget to a body governed by private law with a public service mission (Implementation Structure — IS). Such a body must provide adequate financial guarantees.
2. In order to respect sound financial management of EU funds, these guarantees should cover, without limitation of scope or amounts, any debt of the IS towards the Union related to all implementation tasks as foreseen in the Delegation Agreement. The Commission normally expects the guarantors to accept the joint and several liability for debts of the IS.
3. However, on the basis of a detailed risk assessment, in particular if the outcome of the *ex-ante* pillar assessment carried out to the IS in line with Article 61 of the Financial Regulation is deemed to be adequate, the Commission Authorising Officer in charge of PRIMA will envisage that:
  - Taking into account the principle of proportionality, the financial guarantees requested from the IS may be limited to the maximum amount of the Union contribution.
  - In accordance, the liability of each guarantor may be proportionate to the share of their contribution to PRIMA.

The guarantors may agree on the modalities in which they will cover this liability in their respective letters of declaration on liabilities.

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Tuesday 13 June 2017

P8\_TA(2017)0250

### **Specific measures to provide additional assistance to Member States affected by natural disasters \*\*\*I**

**European Parliament legislative resolution of 13 June 2017 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters (COM(2016)0778 — C8-0489/2016 — 2016/0384(COD))**

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

(2018/C 331/27)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0778),
  - having regard to Article 294(2) and Article 177 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0489/2016),
  - 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 22 February 2017 <sup>(1)</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 24 May 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 Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Development (A8-0070/2017),
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.

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### **P8\_TC1-COD(2016)0384**

**Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council amending Regulation (EU) No 1303/2013 as regards specific measures to provide additional assistance to Member States affected by natural disasters**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1199.)*

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<sup>(1)</sup> OJ C 173, 31.5.2017, p. 38.

Tuesday 13 June 2017

P8\_TA(2017)0251

**Energy efficiency labelling \*\*\*I**

**European Parliament legislative resolution of 13 June 2017 on the proposal for a regulation of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU (COM(2015)0341 — C8-0189/2015 — 2015/0149(COD))**

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

(2018/C 331/28)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0341),
  - 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 (C8-0189/2015),
  - 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 20 January 2016 <sup>(1)</sup>,
  - after consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 5 April 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 Rule 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 the Environment, Public Health and Food Safety (A8-0213/2016),
1. Adopts its position at first reading hereinafter set out <sup>(2)</sup>;
  2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
  3. Takes note of the Commission statement annexed to this resolution;
  4. Calls on the Commission to refer the matter to Parliament again if it 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.

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**P8\_TC1-COD(2015)0149**

**Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council setting a framework for energy labelling and repealing Directive 2010/30/EU**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2017/1369.)*

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<sup>(1)</sup> OJ C 82, 3.3.2016, p. 6.

<sup>(2)</sup> This position replaces the amendments adopted on 6 July 2016 (Texts adopted P8\_TA(2016)0304).



Tuesday 13 June 2017

ANNEX TO THE LEGISLATIVE RESOLUTION

**Statement by the European Parliament, the Council and the Commission on Articles 290 and 291 TFEU**

Recalling the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, in particular paragraph 26 thereof, Parliament, the Council and the Commission declare that the provisions of this Regulation shall be without prejudice to any future position of the institutions as regards the application of Articles 290 and 291 TFEU in other legislative files.

**Commission statement on financial compensation for consumers**

In view of its ongoing efforts to strengthen the enforcement of Union harmonisation legislation for products, the Commission — in order to address potential financial loss by consumers due to wrongly labelled products or inferior energy and environmental performance than labelled — should investigate whether compensation for consumers in the case of non-compliance with regard to energy class displayed on the label can be addressed.

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Tuesday 13 June 2017

P8\_TA(2017)0252

**European Capitals of Culture for the years 2020 to 2033 \*\*\*I**

**European Parliament legislative resolution of 13 June 2017 on the proposal for a decision of the European Parliament and of the Council amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033 (COM(2016)0400 — C8-0223/2016 — 2016/0186(COD))**

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

(2018/C 331/29)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0400),
  - having regard to Article 294(2) and Article 167(5) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0223/2016),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - after consulting the Committee of the Regions,
  - having regard to the provisional agreement approved by the committee responsible under Rule 69f(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 24 May 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 Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Culture and Education (A8-0061/2017),
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.

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**P8\_TC1-COD(2016)0186**

**Position of the European Parliament adopted at first reading on 13 June 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council amending Decision No 445/2014/EU establishing a Union action for the European Capitals of Culture for the years 2020 to 2033**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Decision (EU) 2017/1545.)*

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Wednesday 14 June 2017

P8\_TA(2017)0256

## **Binding annual greenhouse gas emission reductions to meet commitments under the Paris Agreement \*\*\*I**

Amendments adopted by the European Parliament on 14 June 2017 on the proposal for a regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change (COM(2016)0482 — C8-0331/2016 — 2016/0231(COD)) <sup>(1)</sup>

(Ordinary legislative procedure: first reading)

(2018/C 331/30)

### **Amendment 1**

#### **Proposal for a regulation**

##### **Title**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Proposal for a	Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on <b>binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union</b> and to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change	on <b>climate action</b> to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change ( <b>'Climate Action Regulation implementing the Paris Agreement'</b> )

### **Amendment 2**

#### **Proposal for a regulation**

##### **Citation 1 a (new)**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b>Having regard to Protocol No 1 of the Treaty on the Functioning of the European Union on the role of national parliaments in the European Union,</b>

<sup>(1)</sup> The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A8-0208/2017).

Wednesday 14 June 2017

**Amendment 3**  
**Proposal for a regulation**  
**Citation 1 b (new)**

Text proposed by the Commission

Amendment

**Having regard to Protocol No 2 of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality,**

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

Text proposed by the Commission

Amendment

- (3) **On 10 June 2016 the Commission presented the proposal for the EU to ratify the Paris agreement.** This legislative proposal forms part of the implementation of the EU's commitment in the Paris agreement. The Union's commitment to economy-wide emission reductions was confirmed in the intended nationally determined contribution of the Union and its Member States that was submitted to the Secretariat of the UNFCCC on 6 March 2015.

- (3) **The Council ratified the Paris Agreement on 5 October 2016, following the consent that was given by the European Parliament on 4 October 2016. The Paris Agreement entered into force on 4 November 2016 and aims, under Article 2 thereof, 'to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: (a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1,5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change; (b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; (c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.'**

**The Paris Agreement also requires its parties to take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases, including forests.**

This legislative proposal forms part of the implementation of the EU's commitment in the Paris agreement. The Union's commitment to economy-wide emission reductions was confirmed in the intended nationally determined contribution of the Union and its Member States that was submitted to the Secretariat of the UNFCCC on 6 March 2015.

Wednesday 14 June 2017

**Amendment 5**  
**Proposal for a regulation**  
**Recital 4**

Text proposed by the Commission

- (4) The Paris Agreement replaces the approach taken under the 1997 Kyoto Protocol which will not be continued beyond 2020.

Amendment

- (4) The Paris Agreement replaces the approach taken under the 1997 Kyoto Protocol which will not be continued beyond 2020. **The Green Investment Schemes linked to the Kyoto Protocol, which provide financial support for emission reduction projects in lower-income Member States, will therefore also be discontinued.**

**Amendment 6**  
**Proposal for a regulation**  
**Recital 4 a (new)**

Text proposed by the Commission

Amendment

- (4 a) **The Environment Council meeting on 21 October 2009 supported a Union objective, in the context of necessary reductions according to the Intergovernmental Panel on Climate Change (IPCC) by developed countries as a group, to reduce emissions by 80 to 95 % by 2050 compared to 1990.**

**Amendment 7**  
**Proposal for a regulation**  
**Recital 5**

Text proposed by the Commission

Amendment

- (5) The transition to clean energy requires changes in investment behaviour **and incentives** across the entire policy spectrum. It is a key Union priority to establish a resilient Energy Union to provide secure, sustainable, **competitive** and affordable energy to its citizens. Achieving this requires continuation of ambitious climate action with this Regulation and progress on the other aspects of Energy Union as set out in the Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy <sup>(16)</sup>.

- (5) The transition to clean energy **and the bio-economy** requires changes in investment behaviour across the entire policy spectrum **and incentives for small and medium-sized enterprises (SMEs) with less capital and small farms to adapt their business models.** It is a key Union priority to establish a resilient Energy Union **which prioritises energy efficiency and aims** to provide secure, sustainable and affordable energy to its citizens **as well as applying stringent sustainability and emission-reduction policies to the use of bio-based resources to replace fossil resources.** Achieving this requires continuation of ambitious climate action with this Regulation and progress on the other aspects of Energy Union as set out in the Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy <sup>(16)</sup>.

<sup>(16)</sup> COM(2015)0080

<sup>(16)</sup> COM(2015)0080

Wednesday 14 June 2017

**Amendment 8**  
**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

- (9) The approach of annually binding national limits taken in Decision No 406/2009/EC of the European Parliament and of the Council <sup>(19)</sup> should be continued from 2021 to 2030, with the start of the trajectory calculation in **2020** on the average of the greenhouse gas emissions during 2016 to 2018 and the end of the trajectory being the 2030 limit for each Member State. An adjustment to the allocation in 2021 is provided for Member States with both a positive limit under Decision 406/2009/EC and increasing annual emission allocations between 2017 and 2020 determined pursuant to Decisions 2013/162/EU and 2013/634/EU, to reflect the capacity for increased emissions in those years. The European Council concluded that the availability and use of existing flexibility instruments within the non-ETS sectors should be significantly enhanced in order to ensure cost-effectiveness of the collective Union effort and convergence of emissions per capita by 2030.

<sup>(19)</sup> Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

*Amendment*

- (9) The approach of annually binding national limits taken in Decision No 406/2009/EC of the European Parliament and of the Council <sup>(19)</sup> should be continued from 2021 to 2030, with the start of the trajectory calculation in **2018** on the average of the greenhouse gas emissions during 2016 to 2018, **or value of the 2020 annual emission allocation, whichever value is lower**, and the end of the trajectory being the 2030 limit for each Member State. **In order to reward early action and to support Member States with a lower capacity to invest, Member States with a GDP per capita below the EU average, that have during 2013 to 2020 lower emissions than their annual emission allocations for the period from 2013 to 2020 provided under Decision 406/2009/EC, may, under certain conditions, request additional allocations from a reserve.** A **supplementary** adjustment to the allocation in 2021 is provided for Member States with both a positive limit under Decision 406/2009/EC and increasing annual emission allocations between 2017 and 2020 determined pursuant to Decisions 2013/162/EU and 2013/634/EU, to reflect the capacity for increased emissions in those years. The European Council concluded that the availability and use of existing flexibility instruments within the non-ETS sectors should be significantly enhanced in order to ensure cost-effectiveness of the collective Union effort and convergence of emissions per capita by 2030.

<sup>(19)</sup> Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).



Wednesday 14 June 2017

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

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*Text proposed by the Commission*

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*Amendment*

- (9 a) *In order to set the Union on track to a low-carbon economy, this Regulation provides for a long-term emission reductions trajectory to reduce from 2031 the greenhouse gas emissions covered by this Regulation. The Regulation also contributes to the aim of the Paris Agreement to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century.*

**Amendment 10**  
**Proposal for a regulation**  
**Recital 10 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (10a) *In order to preserve full efficiency of the market stability reserve established by Decision (EU) 2015/1814 <sup>(1a)</sup> of the European Parliament and the Council, the cancellation of allowances as the result of the use of the flexibility laid down in this Regulation following the reduction of EU ETS allowances should not be taken into account as allowances that have been cancelled in accordance with Directive 2003/87/EC when determining, under Decision (EU) 2015/1814, the total number of allowances in circulation in a given year pursuant to that Decision.*

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<sup>(1a)</sup> *Decision (EU) 2015/1814 of the European Parliament and of the Council of 6 October 2015 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC (OJ L 264, 9.10.2015, p. 1).*

Wednesday 14 June 2017

**Amendment 11**  
**Proposal for a regulation**  
**Recital 11**

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*Text proposed by the Commission*

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- (11) A range of Union measures enhance Member States' ability to meet their climate commitments and are crucial to achieving necessary emission reductions in the sectors covered by this Regulation. These include legislation on fluorinated greenhouse gases, CO<sub>2</sub>-reductions from road vehicles, energy performance of **building**, renewables, energy efficiency and the Circular Economy, as well as Union funding instruments for climate-related investments.

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*Amendment*

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- (11) A range of Union measures enhance Member States' ability to meet their climate commitments and are crucial to achieving necessary emission reductions in the sectors covered by this Regulation. These include legislation on fluorinated greenhouse gases, CO<sub>2</sub>-reductions from road vehicles, **improvements in the** energy performance of **buildings, an increase in** renewables, **greater** energy efficiency and **promotion of** the Circular Economy, as well as Union funding instruments for climate-related investments.

**Amendment 12**  
**Proposal for a regulation**  
**Recital 11 a (new)**

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*Text proposed by the Commission*

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*Amendment*

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- (11a) ***In order to achieve those emissions reductions and in an effort to maximise the role of the agriculture sector, it is important that Member States promote innovative mitigation actions with the greatest potential, including: conversion of arable to permanent grassland; management of hedges, buffer strips and trees on agricultural land; new agroforestry and woodland planting schemes; prevention of tree removal and deforestation; low or no till and use of cover/catch crops and crop residues on land; carbon auditing and soil/nutrient management plans; improved nitrogen efficiency and nitrification inhibition; wetland/peat land restoration and conservation; and enhanced livestock breeding, feeding and management methods for lower emissions.***

Wednesday 14 June 2017

**Amendment 13**  
**Proposal for a regulation**  
**Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

- (11b) *This Regulation, including the available flexibilities, provides an incentive for emission reductions consistent with other Union legal acts on climate and energy for sectors that are covered by this Regulation, including in the area of energy efficiency. Given that over 75 % of the greenhouse gas emissions are energy-related, increased efficiency of energy use and energy savings will play an important role in delivering such emissions reductions. Ambitious energy efficiency policies are therefore key not only for higher fossil fuel import savings ensuring energy security and lower consumer bills, but also for an increased uptake of energy-saving technologies in buildings, industry and transport, the strengthening of economic competitiveness, local job creation as well as improving health conditions and tackling energy poverty. Paying for themselves over time, measures taken in sectors covered by this Regulation are a cost-effective way of helping Member States achieve their targets under this Regulation. Accordingly, when translating this Regulation into national policies, it is important that Member States pay particular attention to the specific and different potentials for energy efficiency improvements and investments across sectors.*

Wednesday 14 June 2017

**Amendment 14**  
**Proposal for a regulation**  
**Recital 11 c (new)**

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*Text proposed by the Commission*

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*Amendment*

- (11c) *The transport sector is not only a major greenhouse gas emitter but has also been the fastest growing sector in energy consumption since 1990. It is important, therefore, that further efforts are made by the Commission and the Member States to improve energy efficiency, foster a shift to sustainable transport modes and reduce the sector's high carbon dependency. The decarbonisation of the energy mix by promoting low emission energy for transport, for example by sustainable biofuels and electric vehicles, will contribute to the CO<sub>2</sub> emission reduction target, in line with the goals of the Paris Agreement. That could be facilitated by ensuring that the sector has a clear and long-term framework to provide certainty and upon which to base investments.*

**Amendment 15**  
**Proposal for a regulation**  
**Recital 11 d (new)**

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*Text proposed by the Commission*

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*Amendment*

- (11d) *The impact of energy and sectorial policies on the Union and national climate commitments should be assessed with common quantified methods, so that their impacts are transparent and verifiable.*

Wednesday 14 June 2017

**Amendment 57**  
**Proposal for a regulation**  
**Recital 12**

Text proposed by the Commission

- (12) Regulation [] [on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework] lays down accounting rules on greenhouse gas emissions and removals relating to land use, land-use change and forestry (LULUCF). While the environmental outcome under this Regulation in terms of the levels of greenhouse gas emission reductions that are made is affected by taking into account a quantity up to the sum of total net removals and total net emissions from deforested land, afforested land, managed cropland **and** managed grassland as defined in Regulation [], flexibility for a maximum quantity of 280 million tonnes of CO<sub>2</sub> equivalent of these removals divided among Member States according to the figures in Annex III should be included as an additional possibility for Member States to meet their commitments when needed. Where the delegated act to update the forest reference levels based on the national forestry accounting plans pursuant to Article 8 (6) of Regulation [LULUCF] is adopted, 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 Article 7 to reflect a contribution of the accounting category managed forest land in the flexibility provided by that Article. Before adopting such a delegated act, the Commission should evaluate the robustness of accounting for managed forest land based on available data, and in particular the consistency of projected and actual harvesting rates. In addition, the possibility to voluntarily delete annual emission allocation units should be allowed under this Regulation in order to allow for such amounts to be taken into account when assessing Member States' compliance with requirements under Regulation [].

Amendment

- (12) Regulation [] [on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework] lays down accounting rules on greenhouse gas emissions and removals relating to land use, land-use change and forestry (LULUCF). While the environmental outcome under this Regulation in terms of the levels of greenhouse gas emission reductions that are made is affected by taking into account a quantity up to the sum of total net removals and total net emissions from deforested land, afforested land, managed cropland, managed grassland **and where applicable managed wetland** as defined in Regulation [], flexibility for a maximum quantity of 280 million tonnes of CO<sub>2</sub> equivalent of these removals divided among Member States according to the figures in Annex III should be included as an additional possibility for Member States to meet their commitments when needed. Where the delegated act to update the forest reference levels based on the national forestry accounting plans pursuant to Article 8 (6) of Regulation [LULUCF] is adopted, 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 Article 7 to reflect a **balanced** contribution of the accounting category managed forest land in the flexibility **of 280 million** provided by that Article. Before adopting such a delegated act, the Commission should evaluate the robustness of accounting for managed forest land based on available data, and in particular the consistency of projected and actual harvesting rates. In addition, the possibility to voluntarily delete annual emission allocation units should be allowed under this Regulation in order to allow for such amounts to be taken into account when assessing Member States' compliance with requirements under Regulation [].

Wednesday 14 June 2017

**Amendment 17**  
**Proposal for a regulation**  
**Recital 12 a (new)**

Text proposed by the Commission

Amendment

- (12a) *Achieving, in a mutually coherent manner, the multiple Union objectives linked to the agricultural sector, including climate mitigation and adaptation, air quality, the conservation of biodiversity and ecosystem services and support for rural economies, will require changes in investment and incentives, supported by Union measures, such as the CAP. It is vital that this Regulation take into account the objective of contributing to the objectives of the Union Forest Strategy to promote a competitive and sustainable supply of wood for the Union bio-economy, the Member States' national forest policies, the Union Biodiversity Strategy and the Union Circular Economy Strategy.*

**Amendment 18**  
**Proposal for a regulation**  
**Recital 13**

Text proposed by the Commission

Amendment

- (13) In order to ensure efficient, transparent and cost-effective reporting and verification of greenhouse gas emissions and of other information necessary to assess progress with Member State's annual emissions allocations, the requirements for annual reporting and evaluation under this Regulation are integrated with the relevant Articles under Regulation (EU) No. 525/2013, which should therefore be amended accordingly. The amendment of that Regulation should also ensure that progress of Member States in making emission reductions continues to be evaluated annually, taking into account progress in Union policies and measures and information from Member States. Every two years, the evaluation should include the projected progress of the Union towards meeting its reduction commitments and of Member States towards fulfilling their obligations. **However**, the application of **deductions should only be considered at five-year intervals, so that** the potential contribution from deforested land, afforested land, managed cropland and managed grassland taking place pursuant to Regulation [] **can** be considered. This is without prejudice to the duty of the Commission to ensure compliance with the obligations of Member States resulting from this Regulation or to the power of the Commission to initiate infringement proceedings for this purpose.
- (13) In order to ensure efficient, transparent and cost-effective reporting and verification of greenhouse gas emissions and of other information necessary to assess progress with Member State's annual emissions allocations, the requirements for annual reporting and evaluation under this Regulation are integrated with the relevant Articles under Regulation (EU) No 525/2013, which should therefore be amended accordingly. The amendment of that Regulation should also ensure that progress of Member States in making emission reductions continues to be evaluated annually, taking into account progress in Union policies and measures and information from Member States. Every two years, the evaluation should include the projected progress of the Union towards meeting its reduction commitments and of Member States towards fulfilling their obligations. **A full compliance check should be carried out every two years.** The application of the potential contribution from deforested land, afforested land, managed cropland and managed grassland taking place pursuant to Regulation [] **should be considered in accordance with the intervals laid down in that Regulation.** This is without prejudice to the duty of the Commission to ensure compliance with the obligations of Member States resulting from this Regulation or to the power of the Commission to initiate infringement proceedings for this purpose.

Wednesday 14 June 2017

**Amendment 19**  
**Proposal for a regulation**  
**Recital 13 a (new)**

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*Text proposed by the Commission*

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*Amendment*

(13 a) *As the sectors covered by this Regulation constitute more than half of the Union's greenhouse gas emissions, the emission reduction policies in these sectors are highly important in order to fulfil the Union's commitments in accordance with the Paris Agreement. Therefore, the monitoring, reporting and follow up procedures under this Regulation should be fully transparent. Member States and the Commission should make the information concerning compliance with this Regulation publicly available and should ensure the proper involvement of the stakeholders and the public in the review process of this Regulation. The Commission is also urged to create an efficient and transparent system to monitor the outcome of the flexibilities introduced.*

**Amendment 20**  
**Proposal for a regulation**  
**Recital 14**

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*Text proposed by the Commission*

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*Amendment*

(14) As a means to enhance the overall cost-effectiveness of total reductions, Member States should be able to transfer part of their annual emission allocations to other Member States. The transparency of such transfers should be ensured and may be carried out in a manner that is mutually convenient, including by means of auctioning, the use of market intermediaries acting on an agency basis, or by way of bilateral agreements.

(14) As a means to enhance the overall cost-effectiveness of total reductions, Member States should be able to **bank or borrow part of their annual emission allocations**. **Member States should also be able to** transfer part of their annual emission allocations to other Member States. The transparency of such transfers should be ensured and may be carried out in a manner that is mutually convenient, including by means of auctioning, the use of market intermediaries acting on an agency basis, or by way of bilateral agreements.



Wednesday 14 June 2017

**Amendment 21**  
**Proposal for a regulation**  
**Recital 15**

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*Text proposed by the Commission*

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- (15) The European Environment Agency aims to support sustainable development and to help achieve significant and measurable improvement in Europe's environment by providing timely, targeted, relevant and reliable information to policy-makers, public institutions and the public. The European Environment Agency should assist the Commission, as appropriate in accordance with its annual work programme.

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*Amendment*

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- (15) The European Environment Agency aims to support sustainable development and to help achieve significant and measurable improvement in Europe's environment by providing timely, targeted, relevant and reliable information to policy-makers, public institutions and the public. The European Environment Agency should assist the Commission, as appropriate in accordance with its annual work programme, ***and contribute directly and effectively to coping with climate change.***

**Amendment 22**  
**Proposal for a regulation**  
**Recital 17**

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*Text proposed by the Commission*

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- (17) ***In order to ensure uniform conditions for the implementation of Article 4 according to which annual emission limits for Member States will be established, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(21)</sup>.***

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*Amendment*

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- (17) ***The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation by determining the annual emission allocations for Member States.***

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<sup>(21)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Wednesday 14 June 2017

**Amendment 23**  
**Proposal for a regulation**  
**Recital 19 a (new)**

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*Text proposed by the Commission*

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*Amendment*

- (19a) *In addition to the efforts to reduce its own emissions, it is important that the Union, in line with the aim of increasing its positive impact on the global carbon handprint, envisage, together with third countries, climate solutions by implementing joint projects with those countries, in the 2030 climate policy context, taking into account that the Paris Agreement refers to a new international cooperation mechanism for combating climate change.*

**Amendment 24**  
**Proposal for a regulation**  
**Recital 20**

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*Text proposed by the Commission*

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*Amendment*

- (20) This Regulation should be reviewed as of 2024 and every 5 years thereafter in order to assess its overall functioning. The review should take into account evolving national circumstances and be informed by the results of the global stocktake of the Paris Agreement.

- (20) This Regulation should be reviewed as of 2024 and every 5 years thereafter in order to assess its overall functioning. The review should take into account evolving national circumstances and be informed by the results of the global stocktake of the Paris Agreement.

*To comply with the Paris Agreement it is necessary that the Union makes progressively stronger efforts and submits every five years a contribution reflecting its highest possible ambition.*

*The review should therefore take into account the Union's objective to reduce economy-wide greenhouse gas emissions by 80 to 95 % by 2050 compared to the 1990 levels and the aim of the Paris Agreement of achieving a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century. It should be based on best available science and should rely on a preparatory report by the European Environment Agency.*

*The review of the emission reductions of Member States for the period from 2031 should take into account the principles of fairness and cost-effectiveness.*

Wednesday 14 June 2017

## Amendment 25

## Proposal for a regulation

## Article 1 — paragraph 1

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*Text proposed by the Commission*

This Regulation lays down obligations on the minimum contributions of Member States to meeting the greenhouse gas emission reduction commitment of the Union for the period from 2021 to 2030, rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions.

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*Amendment*

This Regulation lays down obligations on the minimum contributions of Member States to meeting the greenhouse gas emission reduction commitment of the Union for the period from 2021 to 2030, rules on determining annual emission allocations and for the evaluation of Member States' progress towards meeting their minimum contributions. **It requires Member States to reduce the greenhouse gas emissions referred to in Article 2 in order to meet the Union target of a reduction of at least 30 % by 2030 compared to 2005 in a fair and cost-effective manner.**

## Amendment 26

## Proposal for a regulation

## Article 1 — paragraph 1 a (new)

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*Text proposed by the Commission*

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*Amendment*

**The general objective of this Regulation is to set the Union on track to a low-carbon economy through the establishment of a predictable long-term pathway to reducing by 2050 the greenhouse gas emissions of the Union by 80 to 95 % compared to 1990 levels.**

## Amendment 27

## Proposal for a regulation

## Article 2 — paragraph 3

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*Text proposed by the Commission*

3. For the purposes of this Regulation, CO<sub>2</sub> emissions from IPCC source category '1.A.3.A civil aviation' shall be treated as zero.

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*Amendment*

3. For the purposes of this Regulation, CO<sub>2</sub> emissions from IPCC source category '1.A.3.A civil aviation' **covered by the Directive 2003/87/EC** shall be treated as zero.

Wednesday 14 June 2017

## Amendment 28

## Proposal for a regulation

## Article 2 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

**3 a. This Regulation applies to CO<sub>2</sub> emissions from IPCC source category '1.A.3.D navigation' which are not covered by Directive 2003/87/EC.**

## Amendment 29

## Proposal for a regulation

## Article 4

Text proposed by the Commission

Amendment

Article 4

Article 4

Annual emission levels for the period from 2021 to 2030

Annual emission levels for the period from 2021 to 2030

1. Each Member State shall, **in** 2030, limit its greenhouse gas emissions at least by the percentage set for that Member State in Annex I to this Regulation in relation to its emissions in 2005 determined pursuant to paragraph 3.

1. Each Member State shall, **by** 2030, limit its greenhouse gas emissions at least by the percentage set for that Member State in Annex I to this Regulation in relation to its emissions in 2005 determined pursuant to paragraph 3.

2. Subject to the flexibilities provided for in Articles 5, 6 and 7, to the adjustment pursuant to Article 10(2) and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions in each year between 2021 and 2029 do not exceed the level defined by a linear trajectory, starting in **2020** on the average of its greenhouse gas emissions during 2016, 2017 and 2018 determined pursuant to paragraph 3 and ending in 2030 on the limit set for that Member State in Annex I to this Regulation.

2. Subject to the flexibilities provided for in Articles 5, 6 and 7, to the adjustment pursuant to Article 10(2) and taking into account any deduction resulting from the application of Article 7 of Decision No 406/2009/EC, each Member State shall ensure that its greenhouse gas emissions in each year between 2021 and 2029 do not exceed the level defined by a linear trajectory, starting in **2018 either** on the average of its greenhouse gas emissions during 2016, 2017 and 2018 determined pursuant to paragraph 3 **or on the 2020 annual emission allocation determined in accordance with Article 3(2) and Article 10 of Decision 406/2009/EC, whichever is lower**, and ending in 2030 on the limit set for that Member State in Annex I to this Regulation.

3. The Commission shall adopt **an implementing act** setting out the annual emission allocations for the years from 2021 to 2030 in terms of tonnes of CO<sub>2</sub> equivalent as specified in paragraphs 1 and 2. For the purposes of this **implementing** act, the Commission shall carry out a comprehensive review of the most recent national inventory data for the years 2005 and 2016 to 2018 submitted by Member States pursuant to Article 7 of Regulation (EU) No 525/2013.

3. The Commission shall adopt **delegated acts in accordance with Article 12 to supplement this Regulation by** setting out the annual emission allocations for the years from 2021 to 2030 in terms of tonnes of CO<sub>2</sub> equivalent as specified in paragraphs 1 and 2. For the purposes of **those delegated acts**, the Commission shall carry out a comprehensive review of the most recent national inventory data for the years 2005 and 2016 to 2018 submitted by Member States pursuant to Article 7 of Regulation (EU) No 525/2013.

Wednesday 14 June 2017

Text proposed by the Commission

Amendment

4. This **implementing** act shall also specify, based on the percentages notified by Member States under Article 6(2), the quantities that may be taken into account for their compliance under Article 9 between 2021 and 2030. If the sum of all Member States' quantities were to exceed the collective total of 100 million, the quantities for each Member State shall be reduced on a pro rata basis so that the collective total is not exceeded.

4. This **delegated** act shall also specify, based on the percentages notified by Member States under Article 6(2), the quantities that may be taken into account for their compliance under Article 9 between 2021 and 2030. If the sum of all Member States' quantities were to exceed the collective total of 100 million, the quantities for each Member State shall be reduced on a pro rata basis so that the collective total is not exceeded.

5. ***This implementing act shall be adopted in accordance with the examination procedure referred to in Article 13.***

#### Amendment 30

#### Proposal for a regulation

#### Article 4 a (new)

Text proposed by the Commission

Amendment

#### Article 4 a

#### Long-term emission reductions trajectory from 2031

***Unless decided otherwise in the first or one of the subsequent reviews referred to in Article 14(2), each Member State shall, for each year from 2031 to 2050, continue to reduce the greenhouse gas emissions covered by this Regulation. Each Member State shall ensure that its greenhouse gas emissions in each year between 2031 and 2050 do not exceed the level defined by a linear trajectory, starting from its annual emission allocations for 2030 and ending in 2050 on a level of emissions that is 80 % below the 2005 level for that Member State.***

***The Commission shall adopt delegated acts in accordance with Article 12 to supplement this Regulation by specifying the annual emission allocations for the years from 2031 to 2050 in terms of tonnes of CO<sub>2</sub> equivalent.***

Wednesday 14 June 2017

**Amendment 31**  
**Proposal for a regulation**  
**Article 5**

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*Text proposed by the Commission*

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Article 5

Flexibility instruments to achieve annual limits

1. Member States may use the flexibilities set out in paragraphs 2 to 6 of this Article, and in Articles 6 and 7.

2. In respect of the years 2021 to 2029, a Member State may borrow a quantity of up to 5 % from its annual emission allocation for the following year.

3. A Member State whose greenhouse gas emissions for a given year are below its annual emission allocation for that year, taking into account the use of flexibilities pursuant to this Article and Article 6, may bank that excess part of its annual emission allocation to subsequent years until 2030.

4. A Member State may transfer up to 5 % of its annual emission allocation for a given year to other Member States. The receiving Member State may use this quantity for compliance under Article 9 for the given year or for subsequent years until 2030.

5. A Member State may transfer the part of its annual emission allocation for a given year that exceeds its greenhouse gas emissions for that year, taking into account the use of flexibilities pursuant to paragraphs 2 to 4 and Article 6, to other Member States. A receiving Member State may use this quantity for compliance under Article 9 for that year or subsequently until 2030.

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*Amendment*

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Article 5

Flexibility instruments to achieve annual limits

1. Member States may use the flexibilities set out in paragraphs 2 to 6 of this Article, and in Articles 6 and 7.

2. In respect of the years 2021 to **2025, a Member State may borrow a quantity of up to 10 % from its annual emission allocation for the following year. In respect of the years 2026 to 2029, a Member State may borrow a quantity of up to 5 %** from its annual emission allocation for the following year.

3. A Member State whose greenhouse gas emissions for a given year are below its annual emission allocation for that year, taking into account the use of flexibilities pursuant to this Article and Article 6, may **in respect of the years 2021 to 2025, bank the excess part of its annual emission allocation up to a level of 10 % of its annual emission allocation** to subsequent years until **2025. In respect of the years 2026 to 2029 a Member State may bank the excess part of its annual emission allocation up to a level of 5 % of its annual emission allocation to subsequent years until 2030.**

4. A Member State may transfer up to 5 % of its annual emission allocation for a given year to other Member States **in respect of the years 2021 to 2025, and up to 10 % in respect of the years 2026 to 2030.** The receiving Member State may use this quantity for compliance under Article 9 for the given year or for subsequent years until 2030.

5. A Member State may transfer the part of its annual emission allocation for a given year that exceeds its greenhouse gas emissions for that year, taking into account the use of flexibilities pursuant to paragraphs 2 to 4, Article 6, to other Member States. A receiving Member State may use this quantity for compliance under Article 9 for that year or subsequently until 2030.

Wednesday 14 June 2017

Text proposed by the Commission

Amendment

6. Member States shall be able to use credits from projects issued pursuant to Article 24a (1) of Directive 2003/87/EC for compliance under Article 9, without any quantitative limit and while avoiding double-counting.

**5 a. A Member State shall not transfer any part of its annual emission allocation if, at the time of transfer, that Member State's emissions exceed its annual emission allocation.**

6. Member States shall be able to use credits from projects issued pursuant to Article 24a (1) of Directive 2003/87/EC for compliance under Article 9, without any quantitative limit and while avoiding double-counting. **Member States may encourage the establishment of private-private and public-private partnerships for such projects.**

#### Amendment 32

##### Proposal for a regulation

##### Article 6 — paragraph 3 a (new)

Text proposed by the Commission

Amendment

**3a. Access to the flexibility set out in this Article and Annex II shall be granted on condition that the Member States concerned commit to taking measures in other sectors where insufficient results have been achieved in the past. The Commission shall supplement this Regulation by adopting a delegated act in accordance with Article 12 setting out a list of such measures and sectors by 31 December 2019.**

#### Amendment 55

##### Proposal for a regulation

##### Article 7 — title

Text proposed by the Commission

Amendment

Additional use of up to 280 million net removals from **deforested land, afforested land, managed cropland and managed grassland**

Additional use of up to 280 million net removals from **land use, land use change and forestry**



Wednesday 14 June 2017

**Amendment 34**  
**Proposal for a regulation**  
**Article 7 — paragraph 1**

*Text proposed by the Commission*

1. To the extent that a Member State's emissions exceed its annual emission allocations for a given year, a quantity up to the sum of total net removals and total net emissions from the combined accounting categories of deforested land, afforested land, managed cropland **and** managed grassland referred to in Article 2 of Regulation [] [LULUCF] may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:

- (a) the cumulative quantity taken into account for that Member State for all years of the period from 2021 to 2030 does not exceed the level set in Annex III for that Member State;
- (b) such quantity is in excess of that Member State's requirements under Article 4 of Regulation [] [LULUCF];
- (c) the Member State has not acquired more net removals under Regulation [] [LULUCF] from other Member States than it has transferred; and
- (d) the Member State has complied with the requirements of Regulation [] [LULUCF].

*Amendment*

1. To the extent that a Member State's emissions exceed its annual emission allocations for a given year **including any emission allocations banked pursuant to Article 5(3)**, a quantity up to the sum of total net removals and total net emissions from the combined accounting categories of deforested land, afforested land, managed cropland, managed grassland, **managed wetland where applicable, and, subject to the delegated act adopted pursuant to paragraph 2, managed forest land**, referred to in Article 2 of Regulation [] [LULUCF] may be taken into account for its compliance under Article 9 of this Regulation for that year, provided that:

- (-a) **the Member State submits by 1 January 2019 an action plan to the Commission that sets out measures, including where relevant the use of Union financing, for climate efficient farming and for the land-use and forest sectors and demonstrates how these measures will contribute to reducing greenhouse gas emissions under this Regulation and to exceeding the requirements under Article 4 of Regulation [] [LULUCF] for the period from 2021 to 2030;**
- (a) the cumulative quantity taken into account for that Member State for all years of the period from 2021 to 2030 does not exceed the level set in Annex III for that Member State;
- (b) such quantity is **demonstrated to be** in excess of that Member State's requirements under Article 4 of Regulation [] [LULUCF] **during the five year periods set out in in Article 12 of Regulation [] [LULUCF];**
- (c) the Member State has not acquired more net removals under Regulation [] [LULUCF] from other Member States than it has transferred; and
- (d) the Member State has complied with the requirements of Regulation [] [LULUCF].

**The Commission may issue opinions on the action plans submitted by Member States in accordance with point (-a).**

Wednesday 14 June 2017

**Amendment 56****Proposal for a regulation****Article 7 — paragraph 2***Text proposed by the Commission*

2. Where the delegated act to update the forest reference levels based on the national forestry accounting plans pursuant to Article 8 (6) of Regulation [LULUCF] is adopted, the Commission shall be empowered to adopt a delegated act to modify paragraph 1 of this Article in order to reflect a contribution of the accounting category managed forest land in accordance with Article 12 of this Regulation.

*Amendment*

2. Where the delegated act to update the forest reference levels based on the national forestry accounting plans pursuant to Article 8 (6) of Regulation [LULUCF] is adopted, the Commission shall be empowered to adopt a delegated act to modify paragraph 1 of this Article **and the accounting categories in Annex III** in order to reflect a **balanced** contribution of the accounting category managed forest land in accordance with Article 12 of this Regulation **without exceeding the total amount of 280 million available under this Article**.

**Amendment 36****Proposal for a regulation****Article 9 — paragraph 1***Text proposed by the Commission*

1. **In 2027 and 2032**, if the reviewed greenhouse gas emissions of a Member State exceed its annual emission allocation for any specific year of the period, pursuant to paragraph 2 of this Article and the flexibilities used pursuant to Articles 5 to 7, the following measures shall apply:

- (a) an addition to the Member State's emission figure of the following year equal to the amount in tonnes of CO<sub>2</sub> equivalent of the excess greenhouse gas emissions, multiplied by a factor of 1,08, in accordance with the measures adopted pursuant to Article 11; and
- (b) the Member State shall be temporarily prohibited from transferring any part of its annual emission allocation to another Member State until it is in compliance with this Regulation. The Central Administrator shall implement this prohibition in the registry referred in Article 11.

*Amendment*

1. **Every two years the Commission shall carry out a check of Member States' compliance with this Regulation. If** the reviewed greenhouse gas emissions of a Member State exceed its annual emission allocation for any specific year of the period, pursuant to paragraph 2 of this Article and the flexibilities used pursuant to Articles 5 to 7, the following measures shall apply:

- (a) an addition to the Member State's emission figure of the following year equal to the amount in tonnes of CO<sub>2</sub> equivalent of the excess greenhouse gas emissions, multiplied by a factor of 1,08, in accordance with the measures adopted pursuant to Article 11; and
- (b) the Member State shall be temporarily prohibited from transferring any part of its annual emission allocation to another Member State until it is in compliance with this Regulation. The Central Administrator shall implement this prohibition in the registry referred in Article 11.

Wednesday 14 June 2017

**Amendment 58**  
**Proposal for a regulation**  
**Article 9 a (new)**

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*Text proposed by the Commission*

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*Amendment*

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**Article 9a**

**Early action reserve**

**1. In order to take into account early action before 2020, a quantity not exceeding a total sum of 90 million tonnes in annual emission allocations in the period 2026 to 2030 shall, upon the request of a Member State, be taken into account for that Member State's compliance for the purposes of the last compliance check under Article 9 of this Regulation provided that:**

- (a) its total annual emission allocations for the period 2013 to 2020 determined in accordance with Article 3(2) and Article 10 of Decision No 406/2009/EC exceed its total annual verified greenhouse gas emissions for the period 2013 to 2020;**
- (b) its GDP per capita at market prices in 2013 is below the EU average;**
- (c) it has used to the maximum extent the flexibilities referred to in Articles 6 and 7 to the levels set in Annexes II and III;**
- (d) it has used to the maximum extent the flexibilities referred to in Article 5(2) and (3) and it has not transferred emission allocations to another Member State pursuant to Article 5(4) and (5); and**
- (e) the Union as a whole meets its target referred to in Article 1(1).**

Wednesday 14 June 2017

Text proposed by the Commission

Amendment

2. The maximum share of a Member State of the total sum referred to in paragraph 1 that may be taken into account for compliance shall be established on the basis of the ratio of, on the one hand, the difference between its total annual emission allocations for the period 2013 to 2020 and its total verified annual greenhouse gas emissions in the same period, and, on the other, the difference between the total annual emission allocations for the period 2013 to 2020 of all the Member States fulfilling the criterion in point (b) of paragraph 1 and the total verified annual greenhouse gas emissions of those Member States in the same period.

The annual emission allocations and the verified annual emissions shall be determined pursuant to paragraph 3.

3. The Commission shall adopt delegated acts in accordance with Article 12 to supplement this Regulation by setting the maximum shares for each Member State in terms of tonnes of CO<sub>2</sub> equivalent pursuant to paragraphs 1 and 2. For the purpose of those delegated acts, the Commission shall use the annual emission allocations determined in accordance with Article 3(2) and Article 10 of Decision No 406/2009/EC and the reviewed inventory data for the years 2013 to 2020 pursuant to Regulation (EU) No 525/2013.

#### Amendment 38

##### Proposal for a regulation

##### Article 10 — paragraph 2

Text proposed by the Commission

Amendment

2. The amount contained in Annex IV to this Regulation shall be added to the allocation for the year 2021 for each Member State referred to in that Annex.

2. The amount contained in Annex IV to this Regulation, **representing a total sum of 39,14 million tonnes of CO<sub>2</sub> equivalent for all Member States**, shall be added to the allocation for the year 2021 for each Member State referred to in that Annex.

#### Amendment 39

##### Proposal for a regulation

##### Article 11 — title

Text proposed by the Commission

Amendment

**Registry**

**European Register**

Wednesday 14 June 2017

**Amendment 40**  
**Proposal for a regulation**  
**Article 11 — paragraph 1**

Text proposed by the Commission

1. The Commission shall ensure the accurate accounting under this Regulation through the Union Registry established pursuant to Article 10 of Regulation (EU) No 525/2013, **including** annual emission allocations, flexibilities exercised under Article 4 to 7, compliance under Article 9 and changes in coverage under Article 10 of this Regulation. The Central Administrator shall conduct an automated check on each transaction under this Regulation and, where necessary, block transactions to ensure there are no irregularities. This information shall be accessible to the public.

Amendment

1. The Commission shall ensure the accurate accounting under this Regulation through the Union Registry established pursuant to Article 10 of Regulation (EU) No 525/2013. **The Commission shall, for that purpose, adopt a delegated act in accordance with Article 12 to supplement this Regulation, concerning in particular** annual emission allocations, flexibilities exercised under Article 4 to 7, compliance under Article 9 and changes in coverage under Article 10 of this Regulation. The Central Administrator shall conduct an automated check on each transaction under this Regulation and, where necessary, block transactions to ensure there are no irregularities. **The European Register system shall be transparent and include all relevant information regarding the transfer of allowances between Member States.** This information shall be accessible to the public **through a dedicated website hosted by the Commission.**

**Amendment 41**  
**Proposal for a regulation**  
**Article 11 — paragraph 2**

Text proposed by the Commission

2. **The Commission shall be empowered to adopt a delegated act to implement paragraph 1 in accordance with Article 12 of this Regulation.**

Amendment

deleted

**Amendment 42**  
**Proposal for a regulation**  
**Article 11 a (new)**

Text proposed by the Commission

Amendment

Article 11 a

**Climate impact of Union funding**

**The Commission shall carry out a comprehensive, cross-sectorial study of the impact of funding granted from the Union budget or otherwise pursuant to Union law on the mitigation of climate change.**

Wednesday 14 June 2017

Text proposed by the Commission

Amendment

**By 1 January 2019, the Commission shall present to the European Parliament and the Council a report on the findings of the study which shall be accompanied, if appropriate, by legislative proposals aimed at discontinuing any Union funding which is not compatible with the CO2 reduction targets or policies of the Union. It shall include the proposal of a mandatory ex ante climate compatibility check which applies to every new Union investment from 1 January 2020 and the obligation to make the results public in a transparent and accessible way.**

#### Amendment 43

##### Proposal for a regulation

##### Article 12 — paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7 (2) and 11 of this Regulation shall be conferred on the Commission for **an indeterminate** period of **time** from the entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts referred to in Article 4 (3), **Article 4a, Article 6(3a), Article 7(2), Article 9a** and Article 11 of this Regulation shall be conferred on the Commission for **a** period of **five years** from ... [the **date of** entry into force of this Regulation]. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

#### Amendment 44

##### Proposal for a regulation

##### Article 12 — paragraph 3

Text proposed by the Commission

3. The delegation of powers referred to in Article 7(2) and 11 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of powers referred to in Article **4(3), Article 4a, Article 6(3a), Article 7(2), Article 9a** and Article 11 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Wednesday 14 June 2017

**Amendment 45****Proposal for a regulation****Article 12 — paragraph 6***Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 7(2) and 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

*Amendment*

6. A delegated act adopted pursuant to Article **4(3), Article 4a, Article 6(3a) Article 7(2), Article 9a** and **Article 11** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

**Amendment 46****Proposal for a regulation****Article 13***Text proposed by the Commission***Article 13***Amendment***deleted****Committee procedure**

1. **The Commission shall be assisted by the Climate Change Committee established by Regulation (EU) No 525/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**

2. **Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.**



Wednesday 14 June 2017

**Amendment 47**  
**Proposal for a regulation**  
**Article 14 — paragraph 1**

Text proposed by the Commission

Amendment

The Commission shall report to the European Parliament and to the Council by 28 February 2024 **and every five years thereafter** on the operation of this Regulation, its contribution to the EU's overall 2030 greenhouse gas emission reduction target and its contribution to the goals of the Paris Agreement, **and may make proposals if appropriate.**

1. Within six months of the facilitative dialogue under the UNFCCC in 2018 the Commission shall publish a communication assessing the consistency of the Union's climate and energy legislative acts with the goals of the Paris Agreement. In particular, the communication shall examine the role and adequacy of the obligations laid down in this Regulation in meeting those goals, and the consistency of Union legislative acts in the field of climate and energy, including energy efficiency and renewable energy requirements, as well as legislative acts in the field of agriculture and transport, with the EU's greenhouse gas reduction commitment.

2. The Commission shall report to the European Parliament and to the Council by 28 February 2024 **following the first global stocktake of the implementation of the Paris Agreement in 2023 and within six months of the subsequent global stocktakes thereafter**, on the operation of this Regulation, its contribution to the EU's overall 2030 greenhouse gas emission reduction target and the contribution to the goals of the Paris Agreement. **The report shall, if appropriate, be accompanied by legislative proposals to increase the emission reductions of Member States.**

**The review of the emission reductions of Member States for the period from 2031 shall take into account the principles of fairness and cost-effectiveness in the distribution among Member States.**

**It shall also take into account progress by the Union and by third countries towards the goals of the Paris Agreement as well as progress made in leveraging and sustaining private finance in support of the transition to a low-carbon economy.**

Wednesday 14 June 2017

**Amendment 48****Proposal for a regulation**

Article 15 a (new)

Decision (EU) 2015/1814

Article 1 — paragraph 4

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Text proposed by the Commission

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Amendment**Article 15a****Amendment to Decision (EU) 2015/1814**

**Article 1 (4) of Decision (EU) 2015/1814 is replaced by the following:**

**‘4. The Commission shall publish the total number of allowances in circulation each year by 15 May of the subsequent year. The total number of allowances in circulation in a given year shall be the cumulative number of allowances issued in the period since 1 January 2008, including the number issued pursuant to Article 13(2) of Directive 2003/87/EC in that period and entitlements to use international credits exercised by installations under the EU ETS in respect of emissions up to 31 December of that given year, minus the cumulative tonnes of verified emissions from installations under the EU ETS between 1 January 2008 and 31 December of that same given year, any allowances cancelled in accordance with Article 12(4) of Directive 2003/87/EC other than the allowances cancelled in accordance with Article 6 (1) of Regulation (EU) 2017/... (\*) of the European Parliament and the Council, and the number of allowances in the reserve. No account shall be taken of emissions during the three-year period starting in 2005 and ending in 2007 and allowances issued in respect of those emissions. The first publication shall take place by 15 May 2017.**

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(\*) Regulation (EU) 2017/... of the European Parliament and the Council on climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change (“Climate Action Regulation implementing the Paris Agreement”) (OJ L ..., ..., p ... ).’

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ISSN 1977-091X (electronic edition)  
ISSN 1725-2423 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**